

CITY OF LAREDO

CITY COUNCIL MEETING

A-2004-R-08

CITY COUNCIL CHAMBERS

1110 HOUSTON STREET

LAREDO, TEXAS 78040

MAY 3, 2004

5:30 P.M.



DISABILITY ACCESS STATEMENT



Persons with disabilities who plan to attend this meeting and who may need auxiliary aid or services are requested to contact Gustavo Guevara, City Secretary at (956) 791-7308 at least two working days prior to the meeting so that appropriate arrangements can be made. The accessible entrance and accessible parking spaces are located at City Hall, 1100 Victoria Ave.

Out of consideration for all attendees of the City Council meetings, please turn off all cellular phones and pagers, or place on inaudible signal. Thank you for your consideration.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. MINUTES

V. COMMUNICATIONS AND RECOGNITIONS

Announcements

Invitations

Recognitions

- a. Recognition of Associate Judge Belinda Mendez on her appointment to State Judge officially known as Title IV-D Master I, which deals with family law matters.
- b. Recognizing Jonathan Leyendecker as the District 5A Individual Golf Champion and fellow teammates from J.B. Alexander High School as District 5A Champions.
- c. Recognizing Christopher Welnetz, senior at United High School for winning Tennis District Champ sectional runner up for the third time.

- d. Recognition of City departments for their contribution and participation in the 2003 United Way Campaign.
- e. Recognizing the Financial Services Department on their fifteenth consecutive distinguished award for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA). This award is the highest recognition for state and local governments.
- f. Recognition by the Parks and Recreation Department of the 3rd Annual City Employee Bowling Tournament winners, fundraiser for the American Cancer Society.

Communiqués

- a. Presentation by Jose Ortiz regarding City owned public restrooms.
- b. Presentation by the Parks and Recreation Department Miracle Youth Committee regarding recent special events and activities.

VI. APPOINTMENTS TO COMMISSIONS, BOARDS AND COMMITTEES

- a. Appointment by Council Member Hector J. Garcia of Ricardo Gonzalez to the Ad Hoc Vehicles for Hire Committee.

VII. PUBLIC HEARINGS

1. **Public hearing and introductory ordinance** amending the Zoning Ordinance Map of the City of Laredo by rezoning the west 46.30 feet of Lot 8, Block 1536, Eastern Division, located at 2602 Ash Street, from R-1 (Single Family Residential District) to R-2 (Multi-Family Residential District); providing for publication and effective date. The Planning and Zoning Commission has recommended denial of the proposed zone change.
2. **Public hearing and introductory ordinance** amending the City of Laredo Land Development Code, Article III, by creating section 24-57, "Green Space Preservation," and amending the City of Laredo Land Development Code, Appendix A, by including definitions relating to Green Space Preservation; providing for severability, publication and effective date. The Planning and Zoning Commission has recommended approval of the proposed ordinance amendment.
3. **Public hearing and introductory ordinance** amending the City of Laredo FY 2003-2004 annual budget by appropriating revenues and expenditures in the amount of \$2,000.00 in additional funds for a grant total of \$22,000.00 from the University of Arizona for the Border Vision Fronteriza

(BVF) 2: Community Health Workers for Children's Health Project of the City of Laredo Health Department, for the period beginning September 14, 2003, through September 13, 2004.

4. **Public hearing** providing community residents an opportunity to comment on their housing and community needs and the projects that they wish to see funded through the 30th Action Year (AY) Community Development Block Grant (CDBG), the 2004 HOME Investment Partnerships Grant (HOME), the 2004 Emergency Shelter Grant (ESG), and the 2003 and 2004 American Dream Downpayment Initiative Programs (ADDI) in support of the preparation and submission of the 2004 Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD). Also for discussion and comment is the Fiscal Year (FY) 2002-2003 Consolidated Annual Performance Report regarding the City's administration of HUD Programs.
5. **Public hearing and introductory ordinance** authorizing the City Manager to enter into agreement with Texas Parks and Wildlife to accept a grant in the amount of \$55,380.00 with a 20% local match for the construction of the Chacon Creek Trail Phase II and amend the City of Laredo Fiscal Year 2004 Capital Improvements Projects Fund annual budget by appropriating revenues and expenditures in the amount of \$90,380.00 for the construction and development of Phase II of the Chacon Creek Hike and Bike Trail.

(Recess)

(Press Availability)

VIII. INTRODUCTORY ORDINANCES

6. Authorizing the City Manager to execute a contract by and on behalf of the City of Laredo as Zone Grantee of Foreign Trade Zone No. 94 Site 6 and specifically authorizing the City Manager to enter into operations agreement with Ravisa Distribution Center, as Zone Site Operator for approximately 5,000 square feet of activated space and 2,150 square feet of yard space located at 13485 South Unitec Drive, Unitec Industrial Park Foreign Trade Zone Site 6 and authorizing the City Manager to execute said agreement. Providing activation, administrative and transaction fees to the City and providing for an effective date.
7. Authorizing the City Manager to execute all necessary documents to effectively to convey to Jesus Padilla, fee simple title to the "Surface Only" of certain property described as being a 3,544.6830 square feet or 0.081 acres, more or less, parcel of land, at its market value of \$5,300.00 and being situated in Survey 1019, Abstract 62, City of Laredo, Webb County

Texas; as described by metes and bounds and survey attached as Exhibits A and B; and providing for an effective date.

8. Amending Chapter 19, "Motor Vehicles and Traffic" Article VIII; Stopping, Standing or Parking, of the Code of Ordinances of the City of Laredo: Specifically Section 19-364, Restricted Parking Areas, establishing a "No Parking Anytime/Tow Away Zone" on the east side of the 11000 block of McPherson Road between Nafta Street and Grand Central Boulevard, within city limits of Laredo; providing for severability, effective date and publication.

IX. FINAL READING OF ORDINANCES

9.
 - 2004-O-87 **Third and Final Reading** authorizing the granting to Batista Roman Enterprises, Inc., a non-exclusive franchise to construct, maintain and operate a commercial container refuse gathering and disposing service in the City of Laredo, Texas and providing the terms, conditions, obligations, and limitations upon and under which such franchise shall be exercised; providing indemnity to the city; city retains authority to regulate rates except for rate increases resulting from increased landfill fees which are passed on to the customer; providing for increased services rates; providing for franchise payments; and providing for severability, publication and effective date.
(As amended)
 - 2004-O-88 Amending Section 24-94, of the Laredo Land Development Code, in order to revise the established standards and procedures governing the issuance of Conditional Use Permits; providing for publication and effective date.
 - 2004-O-89 Amending the Zoning Ordinance Map of the City of Laredo by amending Ordinance No. 2002-O-058 authorizing the issuance of a Conditional Use Permit to David Richter for a concrete batch plant on 5.00 acres, as further described by metes and bounds on attached Exhibit "A" located on the west side of Highway 83 and north of Masterson Road, by extending the terms of the permit two (2) more years; providing for publication and effective date.
 - 2004-O-90 Amending the Zoning Ordinance Map of the City of Laredo by rezoning 13.18 acres, as further described by metes and bounds on attached Exhibit "A," located northeast of Havana Drive from AG (Agricultural District) to R-1 (Single

Family Residential District); providing for publication and effective date.

- 2004-O-91 Amending the Zoning Ordinance Map of the City of Laredo by rezoning 2.07 acres, as further described by metes and bounds on attached Exhibit "A," approximately located south of Southgate Boulevard and east of Highway 83 from AG (Agricultural District) to B-3 (Community Business District); providing for publication and effective date.
- 2004-O-92 Authorizing the City Manager to amend City of Laredo's FY 2003-2004 annual budget in the amount of \$1,250,000.00 to fund a program under U.S. Department of Justice, Office of Community Oriented Policing Services (COPS). The U.S. Department of Justice will be designating \$1,250,000.00 and City of Laredo will be designating \$369,250.00 in matching funds within the three-year life of the grant. Funding will be used to hire 10 additional School Resource Officers (SRO). The funding for this grant will be from September 1, 2002 through August 31, 2005. The City of Laredo 2003-2004 Full Time Equivalents will be amended by the addition of 10 Grade 71 Cadet Police Officers.
- 2004-O-93 Amending the City of Laredo FY 2003-2004 Capital Improvement Project Fund budget by appropriating revenues and expenditures in the amount of \$12,660.00 for the school flasher/beacon program. Revenues consists of contributions from Laredo Independent School District (LISD) in the amount \$3,165.00 and United Independent School District (UISD) in the amount of \$9,495.00.
- 2004-O-94 Establishing a 15% penalty on the 2003 delinquent tax accounts as of July 1, 2004; to defray costs of collection pursuant to section 33.07 (a) of the Texas State Property Tax Code; providing for publication and effective date.
- 2004-O-95 Authorizing the City Manager to execute a two (2) year lease agreement between the City of Laredo and the Laredo Amateur Boxing Club, Inc., for use of the "Orlando and Gaby Canizales Boxing Gym" located at 1610 Guadalupe Street, as described on attached Exhibit "A," for an annual rent fee of \$1.00; and providing for an effective date. **(As amended)**

- 2004-O-96 Amending the City of Laredo FY 2003-2004 annual budget by decreasing revenues and expenditures in the amount of \$15,479.00 to reflect the actual grant amount of \$28,053.00 from the Texas Department of Health for the Texas-Tamaulipas Border States Birth Defects Project: Neural Tube Defects (NTD) Pilot Project in Los Dos Laredos of the City of Laredo Health Department for the period beginning April 1, 2004, through August 31, 2004; and authorizing the City Manager to amend the City of Laredo's FY 2003-2004 Full-Time Equivalent Position by including .27 Health Educator position.
- 2004-O-97 Amending the City of Laredo FY 2003-2004 annual budget by increasing revenues and expenditures in the amount for the \$20,000.00 from the Texas Department of Health for the Office of Border Health: Buena Vida Project of the City of Laredo Health Department for the period beginning April 1, 2004, through August 31, 2004.
- 2004-O-98 Amending the City of Laredo FY 2003-2004 annual budget by increasing revenues and expenditures in the amount of \$4,995.00 in additional funds from the Texas Department of Health for the Office of Border Health: HIV Awareness Project of the City of Laredo Health Department for the period beginning April 1, 2004, through August 31, 2004.
- 2004-O-99 Amending the City of Laredo FY 2003-2004 annual budget by increasing revenues and expenditures in the amount of \$3,500.00 in additional funds from the Texas Department of Health for the Office of Border Health: Environmental Epidemiological Study Project of the City of Laredo Health Department for the period beginning April 1, 2004, through August 31, 2004.
- 2004-O-100 Amending the City of Laredo FY 2003-2004 annual budget by increasing revenues and expenditures in the amount of \$2,000.00 from the Texas Department of Health for the Office of Border Health: Tuberculosis Directly Observed Therapy (DOT) Project of the City of Laredo Health Department for the period beginning April 1, 2004, through August 31, 2004.
- 2004-O-101 Amending the City of Laredo FY 2003-2004 Recreation Fund annual budget by appropriating revenues and expenditures in the amount of \$15,000.00 for the

administration of recreation programs and authorizing the City Manager to implement said budget amendment.

- 2004-O-102 Amending the City of Laredo FY 2003-2004 Noise Abatement and Airport Construction Funds to recognize additional revenues from two grants received from the Federal Aviation Administration Airport Improvement Program being Grant Project No. 3-48-0136-40-04 in the amount of \$6,000,000.00 for acquisition of residential structures, sound insulate residences and acquire navigation easements; and Grant Project No. 3-48-0136-41-2003 in the amount of \$4,276,134.00 for construction of Engineered Materials Arresting System for Runway 35L, rehabilitate portion of Taxiway System and construct cargo pads at the Laredo International Airport; and appropriating said grant revenue in the Noise Abatement and Airport Construction Funds and local match in the amount of \$540,850.00 from the Airport opening fund balance to the appropriate expenditure accounts; and authorizing the City Manager to implement said budget amendment.
- 2004-O-103 Authorizing the City Manager to execute a one (1) year lease agreement between the City of Laredo Parks and Recreation Department and "Escuela de Futbol Soccer America's Laredo" for use of two (2) soccer fields at the southern area of Father McNaboe Park formerly known as River Oaks Park for a fee of \$200.00 per month plus the cost of utilities. The primary purpose of this agreement is to institute a soccer program for the youth of Laredo with the understanding that the fields are open for public use during non-programs hours.
- 2004-O-104 Accepting a grant and amending the City of Laredo FY 2003-2004 budget by decreasing revenues and expenses in the amount of \$16,454.00 to reflect the actual grant amount of \$637,267.00 awarded by the Office of the National Drug Control Policy (ONDCP) High Intensity Drug Trafficking Area (HIDTA), at no cost to the city, to fund the Laredo Financial Task Force. Funds will be used to pay personnel salaries, travel and operational expenses from January 1, 2004 through December 31, 2004. Accepting a grant and amending the City of Laredo FY 2003-2004 budget by increasing revenues and expenses in the amount of \$49,916.00 to reflect the actual grant amount of \$99,916.00 awarded by the Office of the National Drug Control Policy (ONDCP) High Intensity Drug Trafficking

Area (HIDTA), at no cost to the City, to fund the STX Multi-Agency Drug Related Corruption Task Force. Funds will be used to pay overtime, fringe benefits and operational expenses from January 1, 2004 through December 31, 2004.

X. RESOLUTIONS

10. **2004-R-036** Authorizing the City Manager to enter into a funding agreement with the Texas Department of Transportation in the amount of \$3,246,590.00 for the West Laredo Multimodal Trade Corridor Phase II project. The federal contribution is \$2,597,272.00 and the City's contribution of \$649,318.00 has been identified and funding is available in the Capital Improvement Fund. The federal contribution for this project is part of the \$3,500,000.00 award through the national corridor planning and development program/coordinated border infrastructure program.
11. **2004-R-038** Rescinding the buffer zone agreement of August 13, 1990, pertaining to planned improvements at the North Laredo Wastewater Treatment Plant and the abandonment of the existing south effluent pond.
12. **2004-R-039** Directing publication of Notice of Intention to issue City of Laredo, Texas, Combination Tax and Revenue Certificate of Obligation, Series 2004, in the principal amount of \$13,325,000.00 for paying all or a portion of the City's Contractual Obligations for the purpose of constructing, repairing and maintaining City streets for the benefit of the Municipal Transit Department; acquiring, constructing, improving and equipping surface Municipal Parking Lots in the City's Downtown area, including demolition of existing facilities; and purchasing refuse trucks, and trash cans and other improvements for the Solid Waste Department; and for the payment of legal, fiscal and engineering fees in connection with such projects.
13. **2004-R-040** Designating city streets to be constructed, repaired and maintained for the benefit of the Transit System for proposed Revenue Certificates of Obligation, Series 2004 Bonds.

XI. MOTIONS

14. Consideration to exercise the renewal option for one additional year for contract number FY03-070 awarded to the low bidder, Valu Care Cleaners, Laredo, Texas, in the estimated amount of \$28,320.00 for providing laundry dry cleaning services for Police Department non uniformed officers. Funding is available in the Police Department budget.

15. Consideration to award contract FY04-035 to the low bidders, Clark Hardware and Lowe's Home Improvement in the estimated annual amount of \$40,000.00 for the purchase of plumbing supplies for City maintenance and repair projects. Funding is available in the Parks and Recreation Department, Airport, Public Works, Civic Center, Health and Municipal Housing budgets.
16. Consideration to award an annual supply contract number FY04-076 to the low bidder, Oil Patch Petroleum, Inc., Laredo, Texas, for the purchase of unleaded, low sulfur and high sulfur diesel fuel, for the City of Laredo's fleet. Funding is available in the Fleet Maintenance Program.
17. Consideration to award contract FY04-075 to the sole bidder, Castaneda Sand and Gravel, Inc., Laredo, Texas, in the estimated amount of \$30,000.00 for the purchase of top soil and fill dirt. Funding is available in the Parks and Recreation Department and park construction project budgets.
18. Consideration for approval of the selection of consultant Sepulveda Associates Architects, Laredo, Texas, associated with Foster Engineering Company, Laredo, Texas, for the Former Southern Hotel 1200 Block of Matamoros Street and authorization to negotiate a professional services contract. The Engineering Contract Review Committee recommended approval on April 19, 2004. Funding is available in the 2002 CO Issue Former Southern Hotel.
19. Consideration to award an engineering contract to Structural Engineering Associates, Inc., San Antonio, Texas, for an amount not to exceed \$79,700.00 for preliminary designs of alternative single column bent or multi-column bent for the Santa Ursula Connector Phase II. All designs, schematic drawings and layouts of the connector will meet the requirements of the International Boundary Water Commission (IBWC). Funding is available in Purchase Professional Services Bridge System Revenue Bond Series 2002.
20. Consideration for approval of acceptance of South Laredo Park in a two block area by Kawas Elementary School bounded by San Luis and Saltillo Streets and South Martin and South Jarvis Avenues and approval of final payment in the amount of \$8,666.17 to R. Aguero Trucking, Laredo, Texas. Final contract amount is \$183,963.30. Funding is available in the South Laredo Park.
21. Consideration to award annual contract FY04-069 to the low bidder, Super X Mowing Service, Laredo, Texas, in the annual amount of \$72,000.00 for providing monthly mowing and maintenance of the Zacate Creek areas

from Meadow and Canal Streets to the mouth of the river. Funding is available in the Environmental Services Department budget.

22. Consideration to authorize the City Manager to continue negotiations with Proviron, Inc., as to the rates and charges for gas and gas service to residential and commercial customers authorized by Ordinance 94-O-082 and Ordinance 94-O-092, for a period not to exceed 180 days from the date of authorization.
23. Consideration to award a contract to York Services, San Antonio, Texas, in the amount of \$38,730.00 to make emergency repairs to the air conditioner chill water supply and return lines in order to maintain a/c service to the Airport Passenger Terminal. Funding is available in the Airport Maintenance Building & other improvements
24. Approving that the Laredo International Airport enter into a Gold Sponsorship contract with the Miss Texas USA Pageant in the amount of \$50,000.00. Funding is available in the FY 04 Airport Budget under the Small Communities Air Service Development Program.

XII. STAFF REPORTS

25.
 - A. Presentation of the new Flood Insurance Rate Map (FIRM) Flood Boundary and Floodway Map (FBFM), and Flood Insurance Study (FIS) by Federal Emergency Management Agency (FEMA) for Chacon Creek.
 - B. Presentation by Mr. Martin Aleman, Budget Director, of Citizens Survey conducted and prepared by National Service Research.
 - C. Discussion with possible action to construct necessary bridge widening enhancements on International Bridges 1 and 2 for the purpose of increasing capacity and ensuring the safe and expedient crossing of pedestrian and vehicular traffic. The proposed widening enhancements to Bridge 2 would support Homeland Security efforts as well as complement the City's efforts to promote economic growth, tourism and sustainable development through the next thirty (30) years, as exemplified in the planned improvements to Bridge 1 as part of El Portal project, the creation of a Sentry Lane at Bridge 2, and the planned construction of a Fifth International Bridge.
 - D. Status report on City of Laredo park land and city streets as it relates to Ryan, Buenos Aires, and Daiches Elementary Schools.

XIII. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

26.

A. Request by Council Member Alfredo Agredano

1. Discussion with possible action to include the name of the Veteran's Coalition on the plaque of the Veteran's monument. (Co-sponsored by Council Member Jose A. Valdez, Jr.)
2. Status report on the Mario Tijerina Park.

B. Request by Council Member Hector J. Garcia

1. Discussion with possible action regarding landscaping of City buildings: Public Library, Police Department, Municipal Court and Airport.

C. Request by Mayor Pro-Tempore John C. Galo

1. Discussion with possible action regarding parking problem at the corner of Gustavus and Mendiola due to the church overflow.
2. Discussion with possible action identifying the owner of the property known as "el pozo" in the Santa Fe Subdivision.

D. Request by Council Member Eliseo Valdez, Jr.

1. Status report regarding traffic light at the intersection of San Francisco and Lafayette.
2. Presentation by Juan Esparza of River City Soap Box, Inc., of the soap box derby scheduled for July 4th weekend, with possible action.
3. Status report regarding pending projects in District V, including drainage and park improvements and street reconstruction projects.

E. Request by Council Member Gene Belmares

1. Discussion with possible action regarding flash flooding on Denmark.

F. Request by Council Member Juan Ramirez

1. Discussion with possible action regarding the capacity of existing sewer plants.
2. Discussion with possible action regarding tire buying program.
3. Discussion with possible action regarding water park study.

XIV. EXECUTIVE SESSION

The City Council hereby reserves the right to go into executive session at any time during this public meeting, if such is requested by the City Attorney or other legal counsel for the City, pursuant to his or her duty under Section 551.071(2) of the Government Code, to consult privately with his or her client on an item on the agenda, or on a matter arising out of such item.

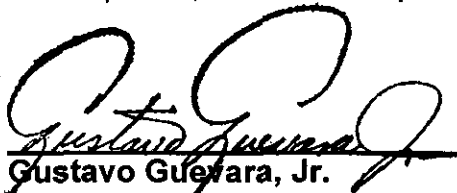
XV. RECESS AS THE LAREDO CITY COUNCIL AND CONVENE AS THE LAREDO MASS TRANSIT BOARD

27. Consideration to an award annual supply contract number FY04-076 to the low bidder, Oil Patch Petroleum, Inc., Laredo, Texas, for the purchase of unleaded, low sulfur and high sulfur diesel fuel, for the Transit System's fleet. Funding is available in the Transit Fund.

XVI. ADJOURN AS THE LAREDO MASS TRANSIT BOARD AND RECONVENE AS THE LAREDO CITY COUNCIL

XVII. ADJOURNMENT

This notice was posted at the Municipal Government Offices, 1110 Houston Street, Laredo, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on April 28, 2004 at 7:00 p.m.


Gustavo Guevara, Jr.
City Secretary

COUNCIL COMMUNICATION

Date: 05/03/04	SUBJECT: PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning the west 46.30 feet of Lot 8, Block 1536, Eastern Division, located at 2602 Ash St., from R-1 (Single Family Residential District) to R-2 (Multi-Family Residential District); providing for publication and effective date. The Planning and Zoning Commission has recommended denial of the proposed zone change. ZC-02-2004							
Initiated by: Pedro Castaneda		Staff source: Keith Selman, Planning Director Cynthia Collazo, Asst. City Manager						
Prior action: On 03/29/04, Council postponed the item, per the applicant's request, till the meeting following 30 days.								
BACKGROUND <p>Council District: IV - John Amaya</p> <p>Proposed use: Residential (a four unit apartment complex).</p> <p>Site: The site is currently vacant.</p> <p>Surrounding land uses: Milton Elementary School lies to the west and several condominium and apartment complexes lay to the north of the site. The area east and south of the site is occupied by single and multifamily residential uses, Quality Air Conditioning Service, the Coin Laundry mat, Circle K, and Arkansas Ave.</p> <p>Comprehensive Plan: The Future Land Use Map recognizes this area as Low Density Residential.</p> <p>Transportation Plan: The Long Range Thoroughfare Plan does not recognize either Ash St. or Texas Ave.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Petition:</td> <td style="width: 25%;">In Favor: 0</td> <td style="width: 25%;">Opposed: 5</td> </tr> <tr> <td>Letters sent to surrounding property owners: 15</td> <td>In Favor: 0</td> <td>Opposed: 1</td> </tr> </table>			Petition:	In Favor: 0	Opposed: 5	Letters sent to surrounding property owners: 15	In Favor: 0	Opposed: 1
Petition:	In Favor: 0	Opposed: 5						
Letters sent to surrounding property owners: 15	In Favor: 0	Opposed: 1						
STAFF COMMENTS <p>The zone change is inappropriate at this site. Though several legal nonconforming apartment complexes currently exist in the surrounding area, the change is inconsistent with the Comprehensive Plan's Low Density Residential designation. The change also contributes to the creation of an isolated zoning district in an area which, to date, exhibits well defined zoning boundaries, with little or no intrusion of incongruous zoning.</p>								
P&Z COMMISSION RECOMMENDATION: The P & Z Commission, in a 6 to 3 vote, recommended denial of the zone change.		STAFF RECOMMENDATION: Staff <u>does not support</u> the proposed zone change.						

COUNCIL COMMUNICATION

IMPACT ANALYSIS

R-2 (Multi-Family Residential District): The purpose of the R-2 is to provide an area for higher density residential uses and those public and semi-public uses normally considered an integral part of the neighborhood they serve.

Is this change contrary to the established land use pattern?

No, the surrounding land use pattern currently exhibits several legal nonconforming apartment complexes.

Would this change create an isolated zoning district unrelated to surrounding districts?

Yes, the site is completely surrounded by R-1 zoning.

Will change adversely influence living conditions in the neighborhood?

The proposed use would generate significantly more trips than would be generated by a single family dwelling.

Are there substantial reasons why the property can not be used in accord with existing zoning?

No, the existing zoning provides for existing uses are compatible with the surrounding area.

CITY OF LAREDO ORDINANCE NO. 2004-O-

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY REZONING THE WEST 46.30 FEET OF LOT 8, BLOCK 1536, EASTERN DIVISION, LOCATED AT 2602 ASH ST., FROM R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-2 (MULTI-FAMILY RESIDENTIAL DISTRICT); PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, a zone change has been requested by the owners of the west 46.30 feet of Lot 8, Block 1536, Eastern Division, located at 2602 Ash St., from R-1 (Single Family Residential District) to R-2 (Multi-Family Residential District); and,

WHEREAS, the required written notices were sent to surrounding property owners at least ten (10) days before the public hearing held before the Planning and Zoning Commission on February 19, 2004, and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **denial** of the proposed zone change; and,

WHEREAS, notice of the zone change request was advertised in the newspaper at least fifteen (15) days prior to the public hearing held before the City of Laredo City Council on this matter; and,

WHEREAS, the City Council has held a public hearing on May 3, 2004, on the request and finds the zone change appropriate and consistent with the General Plan of the City of Laredo; and,

WHEREAS, the City Council does not consider the impact, if any, of private covenants and deed restrictions on the subject property with the adoption of this ordinance; and,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The Zoning Map of the City of Laredo be and is hereby amended by rezoning the west 46.30 feet of Lot 8, Block 1536, Eastern Division, located at 2602 Ash St., from R-1 (Single Family Residential District) to R-2 (Multi-Family Residential District).

Section 2: This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

Section 3: This ordinance shall become effective as and from the date of publication specified in Section 2.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

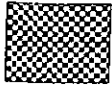
ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME FLORES
CITY ATTORNEY



BY: ANTHONY C. MCGETTRICK
ASSISTANT CITY ATTORNEY



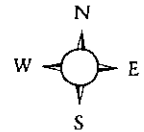
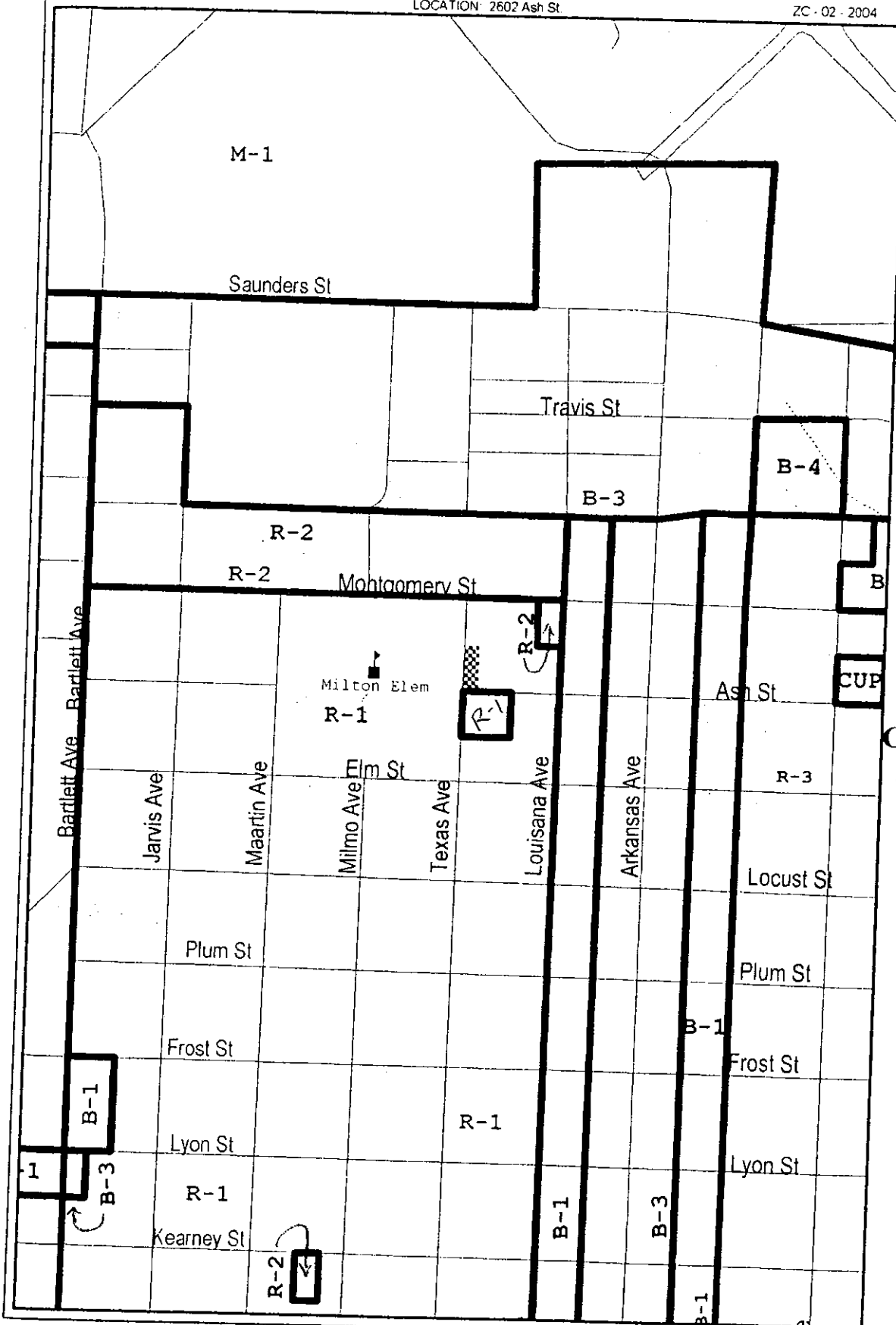
Rezone from R-1 (Single Family Residential District)
To R-2 (Multi-Family Residential District)

City of Laredo
Planning Department
Feet

LOCATION: 2602 Ash St

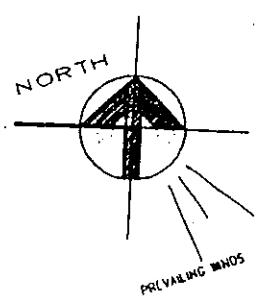
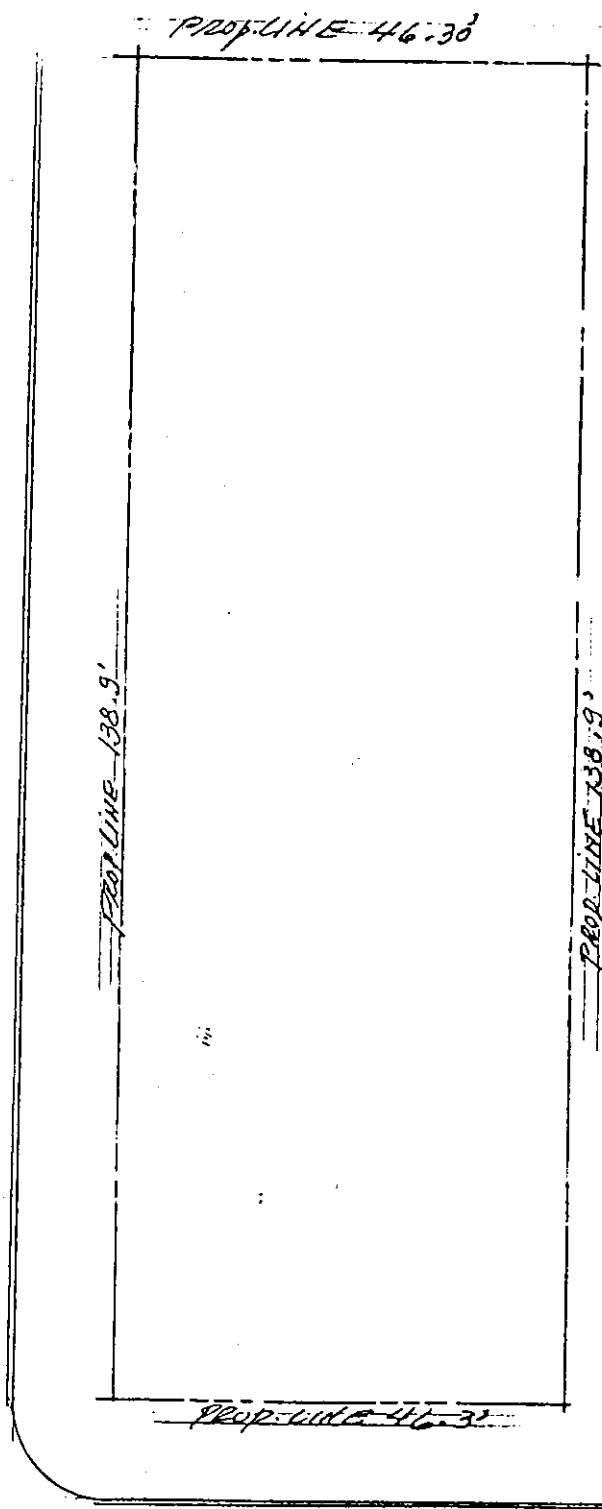
ZC - 02 - 2004

500



City of Laredo
Zoning Map



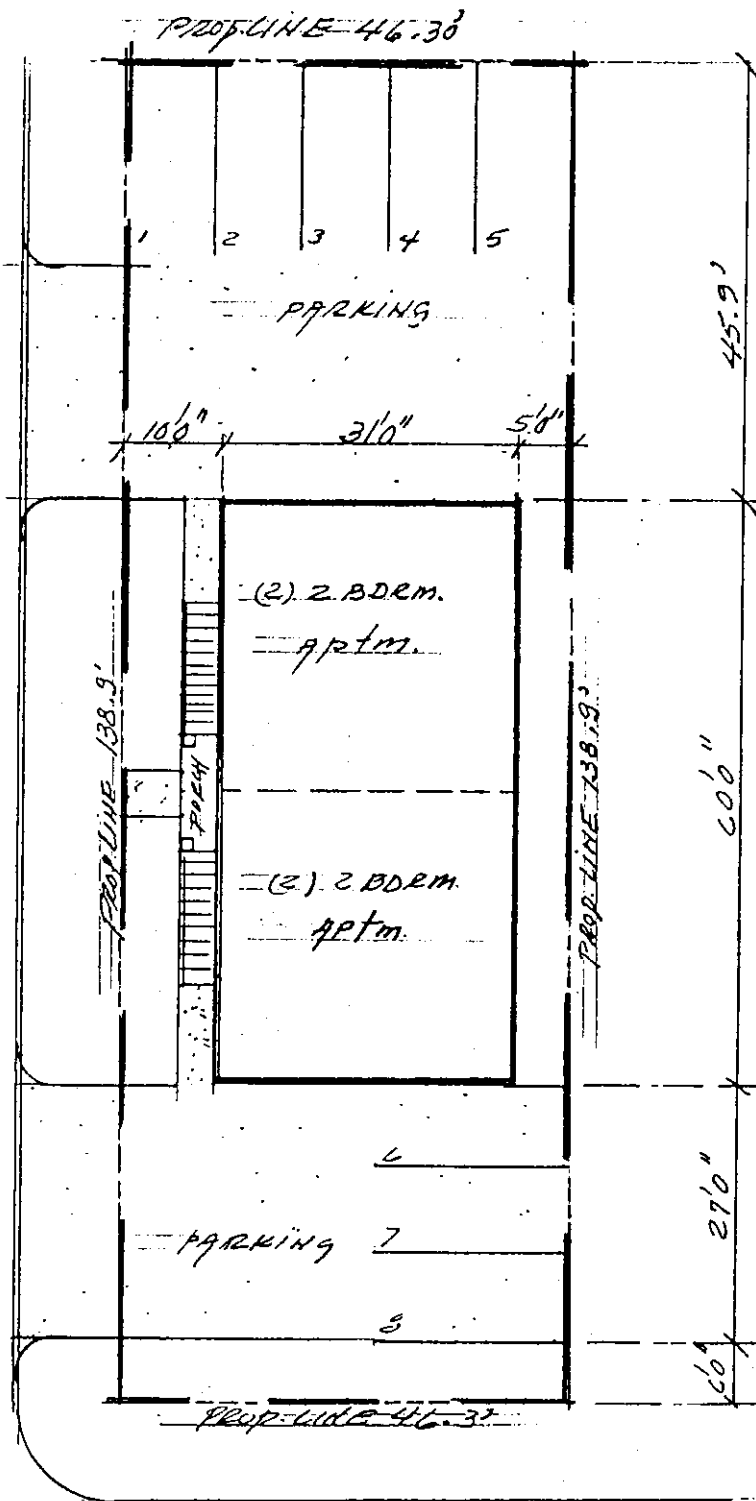


EXISTING

REZONING SITE PLAN

SC: 1" = 20' 0"

LEGAL DESCRIPTION	
LOT <u>8</u>	BLOCK <u>1536</u>
<u>2602 ASH ST.</u>	
<u>EASTERN DIVISION</u>	

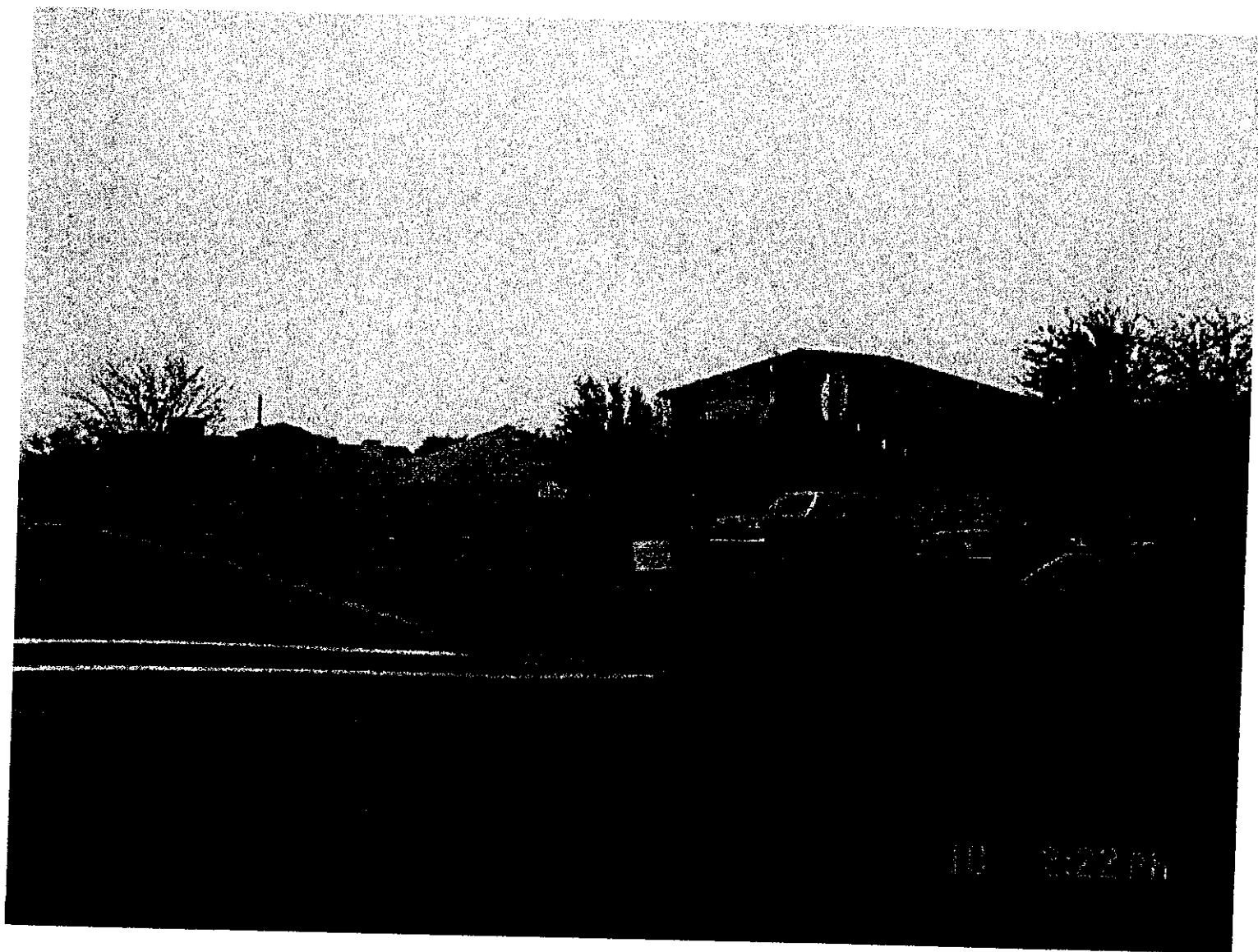


PROPOSED

REZONING SITE PLAN

SC: 1" = 20' 0"

LEGAL DESCRIPTION	
LOT 8	BLOCK 1536
2602 ASH ST.	
EASTERN DIVISION	



ZC-02-04

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: PUBLIC HEARING AND INTRODUCCION OF AN ORDINANCE Amending the City of Laredo Land Development Code, Article III, by creating section 24-57, "Green Space Preservation", and amending the City of Laredo Land Development Code, Appendix A, by including definitions relating to Green Space Preservation; providing for severability, publication and effective date. The Planning and Zoning Commission has recommended approval of the proposed ordinance amendment.
INITIATED BY: Staff	STAFF SOURCE: Keith Selman, Planning Director Riazul I. Mia, Environmental Director Cynthia Collazo, Asst. City Manager
PRIOR ACTION: None.	
STAFF COMMENTS Staff proposes the revision of the City of Laredo Land Development Code, Article III, by creating section 24-57, "Green Space Preservation", and amending the City of Laredo Land Development Code, Appendix A, by adding definitions relating to Green Space Preservation as follows: <u>Section 1.</u> <u>Appendix A</u> The City of Laredo Land Development Code, Appendix 'A' is amended such that definitions relating to Green Space Preservation are added. <u>Section 2.</u> <u>Section 24-57.1 Purpose</u> The section is a description of the Greenspace Ordinance's purpose. <u>Section 24-57.2 Applicability</u> This section specifies the conditions under which the ordinance shall apply. <u>Section 24-57.3 Preservation and Buffering Requirements</u> This section specifies the buffering requirements relating to first, second and third order streams. <u>Section 24-57.4 Design Standards for Stream Buffers</u> This section specifies the various stream buffer design standards and various pertaining exceptions. <u>Sectopm 24-57.5 Design Standards for Existing Ponds and Buffers</u> This section specifies required buffer design standards for existing ponds. <u>Section 24-57.6 Green Space Plan Requirements</u> This section specifies the necissity of identifying stream systems and buffers on site-specific drainage maps, as well as, the location, time of placement and type of signage required of construction performed near the borders of buffer zones.	
Comments continued....	
P&Z COMMISSION RECOMMENDATION: The P & Z Commission, in a 7 to 0 vote, recommended approval of the ordinance amendment.	STAFF RECOMMENDATION: Staff <u>supports</u> the proposed amendment.

COUNCIL COMMUNICATION

Staff Comments Continued...

Section 24.57.7 Conservation Plan Requirements

This section specifies the requirements pertaining to instance of disturbance of first or second order stream systems.

Section 24.57.8 Buffer Management and Maintenance

This section specifies buffer zone management and maintenance including permitted structures, practices and activities in vegetative buffer zones.

Section 24-57.9 Incentives

This section details the incentives, exceptions and crediting methods afforded by the ordinance.

Section 24-57.10 Waivers/Variances

This section details the conditions under which the Environmental Services Director may grant waivers or variances.

Section 24-57.11 Enforcement Procedures

This section refers the reader to the subsection where enforcement procedures will be found.

Section 24-57.12 Appeal

This section describes appeal procedures and avenues available to those adversely affected by this ordinance.

Section 24-57.13 Conflict with Other Regulations

This section stipulates that the stricter environmental law shall apply if any part of this ordinance should conflict with any other law, regulation and/or policy regarding streams, steep slopes, erodible soils, wetlands, floodplains, timber harvesting, land disturbance activities or other environmental protective measures.

ORDINANCE 2004-0-_____

AMENDING THE CITY OF LAREDO LAND DEVELOPMENT CODE, ARTICLE III, BY CREATING SECTION 24-57, ENTITLED "GREEN SPACE PRESERVATION", AND AMENDING THE CITY OF LAREDO LAND DEVELOPMENT CODE, APPENDIX A, BY INCLUDING DEFINITIONS RELATING TO GREEN SPACE PRESERVATION; PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, buffers adjacent to stream systems provide numerous essential environmental protections including reduction of erosion and sediments entering the stream; stabilization of stream banks; maintenance of base flow in streams; infiltration of stormwater runoff; and,

WHEREAS, the natural resource management benefits of buffers include the restoring and maintaining of the chemical, physical and biological integrity of water resources; provision for riparian wildlife habitat; the contribution of organic matter that is a source of food and energy for an aquatic ecosystem; and,

WHEREAS, buffers along stream systems furnish scenic value and recreational opportunity; and,

WHEREAS, it is the goal of the City of Laredo to protect and maintain the native vegetation in riparian and wetland areas by implementing specifications for the establishment, protection, and maintenance of vegetation along protected stream systems within its corporate boundary.

WHEREAS, notice of the ordinance was advertised in the newspaper at least fifteen (15) days prior to the public hearing held before the Planning and Zoning Commission on this matter; and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended approval of the ordinance amendment; and,

WHEREAS, notice of the ordinance was advertised in the newspaper at least fifteen (15) days prior to the public hearing held before the City of Laredo City Council on this matter; and,

WHEREAS, the City Council has held a public hearing on May 3, 2004, on the item and finds the ordinance appropriate and consistent with the General Plan of the City of Laredo.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: Amending the City of Laredo Land Development Code, Appendix 'A' by including definitions relating to Green Space Preservation to read as follows:

Appendix 'A':

City Engineer- shall mean the person appointed to the position of Director of the Engineering Department or his/her authorized representative.

ESD Director- shall mean the administrative head of the city Environmental Services Department and/or his/her authorized representative.

Environmentally Sensitive Area- Any area wherein plant or animal life, listed in the Texas Endangered Species Act and/or the Federal Endangered Species Act, exists or there is evidence of their inhabitation.

Erosion- shall mean the wearing away of land surface by the action of wind, water, gravity, ice or any combination of these forces.

First Order Stream- No defined tributaries drain into this stream and it normally originates from springs, seeps or rain runoff from the higher elevations in a watershed and conducts water into a higher order stream. First order streams appear on a USGS 1:24000 Topographical Map.

Fourth Order Stream- is a stream formed by the confluence of two third order streams.

Illegal Dumping- shall mean the act of illegally placing any material as described in City of Laredo Code of Ordinances Sec. 33-405, on any location other than the appropriate place of disposal whether the location is public or private.

Main Stem- a single line following the bed of the creeks connecting the mouth of the Chacon and Sombreretillo Creeks to the center point of the spillway of Lake Casa Blanca and the Middle Pasture Lake, respectively.

One Hundred-Year Floodplain-The area of land identified on the most current Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps that is subject to inundation during a storm event that has a recurrence interval of 100 years.

Ordinary High Water Mark (OHWM)- shall mean "that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the char-

acteristics of the surrounding areas,” as defined in 33 CFR Part 328 Definition of Waters of the United States - Section 328.3 e.

Right of Way (ROW)-shall mean property that has been dedicated for uses of the public including but not limited to any street, highway, road, alley, or land used for vehicular and passenger movement and/or ingress or egress.

Second Order Stream- is a stream formed by the confluence of two first order streams.

Stream Order- is a classification system for streams based on stream hierarchy, with the smallest stream having the lowest numerical classification.

Streams - are identified on U.S. Geological Survey (1:24,000) maps.

Stream System- means a stream channel of a given order together with one or more of the following:

- 1) 100-year floodplain;
- 2) Hydrologically related wetland;
- 3) Reservoir receiving water from one or more streams.

Third Order Stream-is a stream formed by the confluence of two second order streams.

Vegetative Buffer-A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system. A vegetative buffer for a stream system generally consists of a strip of land, with native vegetation, along both sides of a stream system.

Section 2: Amending the City of Laredo Land Development Code, Article III, by creating Section 24-57 entitled “Green Space Preservation” which will read as follows:

24-57.1 Purpose

The purpose of this ordinance is to establish minimal acceptable requirements for the design of buffers to protect the streams, wetlands and floodplains of Laredo, Texas; to protect the water courses, reservoirs, lakes, and other significant water resources within Laredo, Texas; to protect Laredo’s riparian and aquatic ecosystems; and to provide for the environmentally sound use of Laredo’s land.

24-57.2 Applicability

- A) This ordinance shall apply to development subject to the Land Development Code. A development is exempt from this ordinance if it does not contain a stream system.
- B) This ordinance shall apply to surface mining operations except that the design standards shall not apply to active surface mining operations that are operating in compliance with an approved U. S. Department of the Interior surface mining permit.
- C) This ordinance shall apply to the City of Laredo, a municipal corporation.
- D) This ordinance shall apply to all development except for activities that were initiated prior to the effective date of this ordinance and meets the following criteria:
 - 1. Valid, unexpired permit in accordance with development regulations;
 - 2. A current, executed public works agreement;
 - 3. A valid, unexpired building permit;
 - 4. A complete, unexpired plat application;
 - 5. A current, approved master plan on file with the City of Laredo Planning Department;
 - 6. Platted property.

24-57.3 Preservation and Buffering Requirements

- A) All third order and higher stream systems including the Rio Grande are required to be preserved and buffered in accordance with this ordinance.
- B) First and Second order stream systems which include any of the following criteria are required to be preserved and buffered in accordance with this ordinance unless the requirements of 24-57.7 are satisfied.
 - 1. An environmentally sensitive area.
 - 2. Wetlands & Waters of the U.S. according to the Wetland Map.
 - 3. Existing trees with a caliper equal to or greater than 8 inches (excluding salt cedar) within the stream channel or potential stream buffer.

24-57.4 Design Standards for Stream Buffers

- A) The width for vegetative buffers shall depend on the order of the stream being developed. First and second order streams that are to be protected shall have a buffer originating from OHWM extending 50 ft. on either side of the stream.
- B) The required width of a buffer for a third order stream will be 50 ft. on both sides measured from the OHWM 25 ft. shall be added for each level of increase in stream order. For example, a fourth order stream shall have a 75ft. buffer, a fifth order stream should have a 100-foot buffer, etc.
- C) For the Rio Grande, the boundary of the buffer zone shall be the 100 year flood plain or 200 ft. from the OHWM of the watercourse , which ever is less.
- D) Permanent boundary signs approved by the ESD Director shall be installed after construction has been completed.
- E) The following are the exceptions:
 - 1. Regardless of the stream order, the maximum width of the buffer, excluding the Rio Grande is 100 ft. from the OHWM.
 - 2. All development shall comply with the City's floodplain management ordinance (2002-O-164) and stormwater management ordinance (99-O-186).
 - 3. The width of the buffer on each side of the stream maybe adjusted (both width and length) as long as the total square footage of the buffer remains the same for the stream order but in no event shall the buffer be less than 25 ft. on any side.
 - 4. The 25 ft. of buffer immediately adjacent to the OHWM, containing undisturbed native vegetation, is restricted to permitted road, utility crossings, stormwater management facilities and recreational facilities approved by the city. The remainder of the buffer, also containing native vegetation, is restricted to utility right of ways, designated biking/hiking paths, stormwater management facilities, and recreational facilities by the City.

24-57.5 Design Standards for Existing Ponds and Buffers

- A) Existing ponds may be used as stormwater management facilities, in accordance with the Stormwater Management and Flood Plain Management Ordinances, if a conservation plan is submitted (please see 24-57.7). Existing ponds, to be used as a stormwater management facility, shall have a buffer width of 20 ft. in addition to

the Maintenance Access Easement requirements. (Please refer to Stormwater Management Ordinance, Section 24-59.3.2.5 'Retention/Detention Facilities.')

- B) The area of the 20 ft. buffer may include the embankment as long as the total square footage is maintained.

24-57.6 Green Space Plan Requirements

- A) Stream systems and buffers shall be shown on site-specific drainage maps.
- B) Prior to construction, signs shall be placed every 100 feet on orange construction border fencing at the edge of the buffer zone to inform workers that the placing of construction materials in the buffer zones during the construction phase is prohibited.

24-57.7 Conservation Plan Requirements

Where disturbance of protected first or second order stream systems are proposed, the following shall be submitted:

- A) A copy of the Green Space Plan.
- B) A location or vicinity map of areas outlined in 24-57.3, subsection B(1), B(2), and B(3).
- C) A summary of disturbance activities, and an in-depth detailed description of disturbances that affect or may affect areas outlined in 24-57.3 subsection B(1), B(2), and B(3).
- D) A detailed description of mitigation activities, as outlined below:
1. If Wetlands and/or Waters of the U.S. are affected:
 - a. Section 404 Permit.
 - b. Wetland Mitigation Plan.
 2. If trees are removed:
 - a. All 4 in. caliper or greater trees removed must be replaced by an equal caliper sized tree of the same species except salt cedar; or smaller trees of the same tree species that equal the caliper of the removed tree (ie.: 4 one inch trees to replace a 4 inch caliper tree).

b. This/these tree(s) must be located within the stream system or buffer on the property where the removed tree was located.

c. Twenty-five percent of the original tree species must be replaced with the same species. The remaining 75% of original tree species may be replaced with favorable species determined and listed by the Tree Board.

24-57.8 Buffer Management and Maintenance

A) Protected stream systems and vegetative buffers shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources. The following practices and activities are restricted within the vegetative buffer:

1. Clearing of any existing vegetation;
2. Soil disturbance by grading, stripping, or other practices;
3. Filling or dumping;
4. Use, storage, or application of herbicides.

B) The following structures, practices, and activities are permitted in the vegetative buffer, with specific design or maintenance features:

1. Roads, bridges, sidewalks, and utilities:
 - a. These facilities may be constructed if such are required by the City; access to the property would be hindered or compromised because of the property's location; or if conditions specific to the land require it. In any of these instances the ESD Director may administratively grant approval or deny the request for the construction of said structure/s. In the event of denial by the ESD Director the issue may be appealed to the Planning and Zoning Commission whose decision shall be final.
 - b. The right-of-way should be the minimum width needed to allow for maintenance access and installation.
 - c. The angle of the crossing shall be as near to perpendicular as allowed by the ESD Director. In the event of denial by the ESD Director the issue may be appealed to the Planning and Zoning Commission whose decision shall be

final.

- d. Every effort shall be made to minimize the number of road crossings within each subdivision and no more than one road crossing is allowed for every 1,200 ft. of buffer.

2. Stormwater management:

- a. These facilities may be constructed if such are required by the City, the facilities are necessary for flood control or significantly improves water quality or habitat in the stream. In any of these instances the ESD Director may administratively grant approval or deny the request for the construction of said structure/s. In the event of denial by the ESD Director the issue may be appealed to the Planning and Zoning Commission whose decision shall be final.
 - b. When constructing stormwater management facilities "best management practices" shall be observed (i.e., BMPs). The area cleared will be limited to the area required for construction and adequate maintenance access as outlined in the most recent edition of City of Laredo Stormwater Management Ordinance.
 - c. Material dredged or otherwise removed (during construction or maintenance) from a stormwater management facility shall be stored outside the buffer.
- 3. Stream restoration projects approved by the ESD Director are permitted within the vegetative buffer.
 - 4. Water quality monitoring and stream gauging are permitted within the vegetative buffer as approved by the ESD Director.
 - 5. Individual trees within the buffer that are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the stream, may be removed. Other tree cutting techniques approved by the ESD Director may be undertaken within the vegetative buffer under the advice and guidance of the Tree Board if necessary to preserve the riparian forest from extensive pest infestation and disease infestation.
 - 6. Selective clearing for health and safety purposes is allowed as determined by the Fire Chief and/or the Health Department Director.

C) The Final Plat and all right-of-way plans shall clearly show the extent of any

vegetative buffer on the subject property.

- D) All protected vegetative buffer areas and stream systems shall run with the land and continue in perpetuity. Protected vegetative buffer areas and stream systems may be dedicated to the public by separate instrument (which must be submitted to the City Engineer for approval and recorded in the land records) unless the protected vegetative buffer area and stream system is dedicated to the public on the face of an approved plat. If the owner of the property desires to keep the stream system and buffer private, there shall be a covenant (which must be submitted to the City Engineer for approval and recorded in the land records) restricting the use of the stream system and buffer to uses set forth herein, and the owner must ensure that the stream system and buffer shall be maintained by the owner, his heirs successors and assigns for so long as the stream system and buffer remain private.
- E) The ESD shall inspect the buffer annually and immediately following severe storms for evidence of sediment deposition, erosion, or concentrated flow channels. Corrective actions shall be taken to ensure the integrity and functions of the vegetative buffer.
- F) The City of Laredo will maintain all vegetative buffer and stream systems that are created pursuant to 24.58-3 and have been dedicated to the public.

24-57.9 Incentives

- A) If buffer widths on first and second order streams are strictly adhered to, the conservation plan requirement shall be waived.
- B) Credit shall be given as determined by the Planning Director for the development of Linear Parks around natural drainage and wooded areas that provide potential recreational uses. Criteria for flood plain areas (based upon a hundred-year flood plain) that is dedicated as parkland, will be given credit as determined by the Planning Director by meeting the following requirements:
 - 1. Flood plain and natural drainage area shall generally not exceed 75% of total park site.
 - 2. At least 50% of required dedicated parkland shall have slopes in range of <5%, well-drained and suitable for active use.
 - 3. Additional flood plain acreage over 75% of required parkland may be dedicated at a (3:1) ratio in acres in lieu of non flood plain property and any such consideration of acreage shall be at the discretion of the Planning Director in compliance with the Parks and Open Space Master Plan.

4. The Director of the Planning Department shall determine whether land offered for dedication complies with the standards for dedication as provided in the Parks Master Plan.

C) Stormwater discharges into large creeks

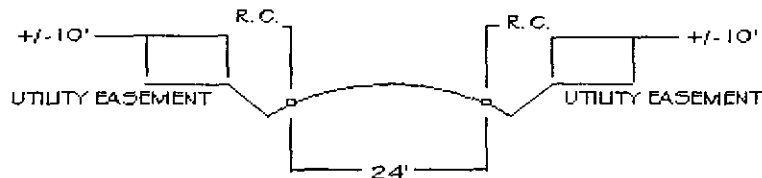
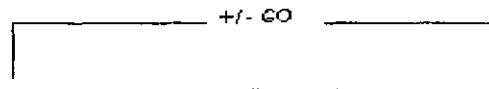
1. For development adjacent to the main stem of Sombreretillo Creek, below Middle Pasture Lake, and Chacon Creek below Lake Casa Blanca, stormwater discharge does not require detention facilities, so long as there is compliance with the floodplain management ordinance and stormwater management ordinance.

D) On-site detention within the plat boundaries of residential subdivision

1. For detention ponds in residential developments voluntarily created to enhance the protection of 1st & 2nd order streams, the required private maintenance shall extend to the warranty period as provided by other ordinances.
2. When a first or second order stream within development is voluntarily protected, a R.O.W. section may be similarly modified as provided below:

10,000 SQ. FT. LOT DEVELOPMENTS

NO SIDEWALK



E) Commercial subdivisions distributed detention

1. Distributed detention on commercial subdivisions where streams are to be voluntarily protected shall be allowed, deferring the construction of required storm water detention facilities to the building permit (construction) phase, so long as the deferral is approved at final platting and covered by a note on the face of the plat.
2. In cases where a development includes a protected stream system, the required detention volume may be distributed over the site provided the plat is annotated with a note indicating the "Q" (volumetric discharge) of each lot.
3. The required private maintenance period for off-line detention facilities shall extend to the warranty period. Warranties shall remain in effect as provided by other ordinances.
4. For developments where all lots are at least one acre in area, minimum storage requirements for detention as well as maximum discharge rate requirements shall be included on the plat for each lot, specifying the requirement for each lot to individually meet the requirements of the Stormwater Management Ordinance included in the City of Laredo Land Development Code during the building permit process. A note approved by the City of Laredo Planning Department indicating the requirement shall be included on the face of the plat. Calculations for said lot storage volumes and discharge rates shall be approved by the City Engineer in conjunction with their review of the improvement plans for the development during the platting process.

F) Park credit transferability

1. Voluntary protection of first and second order streams entitle the owner to a park credit for the stream system protected and its surrounding buffer on an equivalent square footage basis. If the following criteria is met:
 - a. Flood plain and natural drainage area shall generally not exceed 75% of the site;
 - b. At least 50% of the buffer shall have slopes in the range of 2% and not to exceed 5%, be well drained and suitable for active use;
 - c. Additional park requirements, if any, shall be incorporated (be adjacent) to any buffer.

- d. The buffer and the park space shall be reviewed by the Planning Director to ensure that the buffer and park space requirement comply with the City Standards for Dedication as a park and buffer.
 - e. If the buffer and park meet the requirements set forth herein the Planning Director shall make a recommendation to the City Council regarding the acceptance of said buffer and park.
 - 2. Mandatory protected third order streams and higher qualify for a park credit for the surrounding buffer on an equivalent square footage basis. If the following criteria is met:
 - a. Flood plain and natural drainage area shall generally not exceed 75% of the site;
 - b. At least 50% of the buffer shall have slopes in the range of 2% and not to exceed 5%, well drained and suitable for active use;
 - c. Additional park requirement, if any, shall be incorporated (be adjacent to) any buffer.
 - d. The buffer and the park space shall be reviewed by the Planning Director to insure that the buffer and park space requirement comply with the City standards for dedication as a park and buffer.
 - e. If the buffer and park meet the requirements set forth herein the Planning Director shall make a recommendation to the City Council regarding the acceptance of said buffer and park.
 - 3. Park credits obtained pursuant to this provision shall be transferable but may only be used within the Council District in which they were originally acquired.
 - 4. In the event there is first or second order stream systems located on a tract ten acres or smaller and the owner or said tract wishes to voluntarily preserve the stream system he shall be entitled to a park credit.
 - 5. Any decision by the Planning Director which does not favor the acceptance of park and buffer may be appealed to the Planning and Zoning Commission for a recommendation regarding the acceptance of the park and buffer to the City Council.

24-57.10 Waivers/Variances

A) The ESD Director may grant a variance for the following:

1. Those projects or activities for which it can be demonstrated that strict compliance with the ordinance would result in a practical difficulty.
2. Those projects or activities serving a public need where no feasible alternative is available

B) The City of Laredo may, as deemed appropriate by the ESD Director, give credit towards the average buffer width on the platted property for the restoration of riparian habitat and/or installation of a wetlands area within the property boundaries if such installations are ecologically integrated with the riparian system. The square footage of the restored area or wetlands area shall be credited toward the square footage required for the buffer zone.

C) The applicant shall submit a written request for a variance to the ESD Director. The application shall include specific reasons justifying the variance and any other information necessary to evaluate the proposed variance request. The ESD Director may require an analysis demonstrating undue hardship would result from a strict application of the ordinance.

D) In granting a request for a variance, the Director may require site design, landscape planting, fencing, and signs.

24-57.11 Enforcement Procedures

Please Refer to Sections 24-59.8, 24-59.10 and 24-59.11

24-57.12 Appeal

The Planning and Zoning Commission shall hear appeals from ESD and Planning Director whose ruling shall be final.

Any person whose petition for variance has not been granted and who remains adversely affected by the Director's order, or who is subject to an order of the Director issued following a Show Cause Hearing may challenge the final action of the Director to the Planning and Zoning Commission.

The Planning and Zoning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the ESD or Planning Director in the enforcement or administration of this ordinance.

24-57.13 Conflict with Other Regulations

Where the standards and management requirements of this buffer ordinance are in conflict with other laws, regulations, and policies regarding streams, steep slopes, erodible soils, wetlands, floodplains, timber harvesting, land disturbance activities, or other environmental protective measures, the more restrictive shall apply.

Section 3: This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

Section 4: This ordinance shall become effective as and from the date of publication specified in Section 3.

Section 5: Severability

If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of another portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 6: Open Meetings

The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the city hall of the City for the time required by law preceding this meeting, as required by the Open Meeting Act, Texas Government Code Sect. 551.001 ET. AT.; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter approves and confirms such written notice and the contents and posting hereof.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS _____ DAY OF _____, 2004.

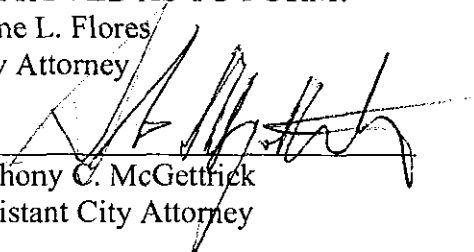
Elizabeth G. Flores
Mayor

ATTEST:

Gustavo Guevara, Jr.
City Secretary

APPROVED AS TO FORM:

Jaime L. Flores
City Attorney

By: 
Anthony C. McGettrick
Assistant City Attorney

COUNCIL COMMUNICATION

DATE: 05/03/2004	SUBJECT: PUBLIC HEARING AND INTRODUCTORY ORDINANCE Amending the City of Laredo FY 2003-2004 annual budget by appropriating revenues and expenditures in the amount of \$2,000 in additional funds for a grand total of \$22,000 from the University of Arizona for the <i>Border Vision Fronteriza (BVF) 2: Community Health Workers for Children's Health Project</i> of the City of Laredo Health Department, for the period beginning September 14, 2003, through September 13, 2004.
INITIATED BY: Cynthia Collazo Asst. City Manager	STAFF SOURCE: Hector F. Gonzalez, M.D., M.P.H. Health Director
PREVIOUS COUNCIL ACTION: On November 3, 2003, Council approved Ordinance No. 2003-O-274 for the Border Vision Fronteriza (BVF) 2: Community Health Workers for Children's Health Project of the City of Laredo Health Department, for the period beginning September 14, 2003, through September 13, 2004.	
BACKGROUND: The Arizona Board of Regents, University of Arizona (Sponsor) is providing funds from the U.S. Department of Health and Human Services to the <i>Border Vision Fronteriza (BVF) 2: Community Health Workers for Children's Health Project</i> for a Subcontract with the City of Laredo Health Department. The project will provide the following activities during the twelve month period: <ul style="list-style-type: none"> • Recruitment and training of Community Health Workers (Community Service Aide) as SCHIP Specialists and Volunteer/Promotores to work within the selected sites to recruit, document, secure enrollment, and encourage re-certification of children eligible for the Texas Children's Health Insurance Program (SCHIP) Medicaid Expansion; • Convene local and regional meetings needed to ensure implementation of the project activities; • Coordinate the BVF2 data collection and evaluation components and provide quality assurance. • Identify and provide BVF and SCHIP information to a minimum of 25 health and human services professionals at least twice during the Contract period of performance; • Coordinate and strengthen outreach to conduct follow up on no less than 80% of the families and ensure enrollment through the BVF Model, network partners and existing SCHIP Collaborative efforts; and • Identify sustainability strategies and funding to augment model development and implementation. This amendment to the budget will include \$2,000 in additional funds for the program.	
SEE BUDGET ON NEXT PAGE	
FINANCIAL: The City of Laredo will receive \$2,000 in additional funds, from the University of Arizona <i>Border Vision Fronteriza (BVF) 2: Community Health Workers for Children's Health Project</i> for the period beginning September 14, 2003, through September 13, 2004. This program has been assigned revenue account number 226-0000-321-4101, and expense account 226-6027.	
RECOMMENDATION:	STAFF: Recommends that Council introduce ordinance.

PERSONNEL

	APPROVED	PROPOSED	PROPOSED
BUDGET 226-6027	FTEs	FTEs	CHANGE
Community Service Aide	0.9	0.9	0
TOTAL	0.9	0.9	0

BUDGET

CATEGORIES		APPROVED BUD.	CHANGE	REVISED BUDGET
REVENUES				
GRANT REVENUE	\$	20,000	2,000	22,000
PROGRAM INCOME		0	0	0
TOTAL REVENUES	\$	20,000	2,000	22,000
EXPENSES				
PERSONNEL	\$	14,486	-3,675	10,811
FRINGE BENEFITS		1,446	3,675	5,121
TRAVEL		1,543	1,700	3,243
EQUIPMENT		0	0	0
SUPPLIES		540	1,545	2,085
CONTRACTUAL		0	0	0
OTHER		1,985	-1,245	740
SUB-TOTAL	\$	20,000	2,000	22,000
INDIRECT CHARGES		0		0
RESERVE (PROGRAM INC.)		0	0	0
TOTAL	\$	20,000	2,000	22,000

ORDINANCE

AMENDING THE CITY OF LAREDO FY 2003-2004 ANNUAL BUDGET BY APPROPRIATING REVENUES AND EXPENDITURES IN THE AMOUNT OF \$2,000 IN ADDITIONAL FUNDS FOR A GRAND TOTAL OF \$22,000 FROM THE UNIVERSITY OF ARIZONA FOR THE BORDER VISION FRONTERIZA (BVF) 2: COMMUNITY HEALTH WORKERS FOR CHILDREN'S HEALTH PROJECT OF THE CITY OF LAREDO HEALTH DEPARTMENT, FOR THE PERIOD BEGINNING SEPTEMBER 14, 2003, THROUGH SEPTEMBER 13, 2004.

WHEREAS, the Arizona Board of Regents, University of Arizona (Sponsor) is providing funds from the U.S. Department of Health and Human Services to the *Border Vision Fronteriza (BVF) 2: Community Health Workers for Children's Health Project* for a Subcontract with the City of Laredo Health Department; and

WHEREAS, November 3, 2003, Council approved Ordinance No. 2003-O-274 for the *Border Vision Fronteriza (BVF) 2: Community Health Workers for Children's Health Project* of the City of Laredo Health Department, for the period beginning September 14, 2003, through September 13, 2004; and

WHEREAS, the amendment to the budget will include \$2,000 in additional funds for the program.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The City Manager is hereby authorized to amend the budget, execute the contract and accept the grants and their provisions as set forth by the University of Arizona.

Section 2: Revenue line item 226-0000-323-4101 funded by the University of Arizona is hereby increased from \$20,000 to \$22,000

Section 3: Expenditure line item 226-6027 is hereby increased from \$20,000 to \$22,000.

Section 4: The City Manager is hereby authorized to make transfers within the budget as allowable under the provisions of the contract with University of Arizona to meet the necessary costs to accomplish the scope of work for the project.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR


ON THIS _____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
Jaime L. Flores
City Attorney

By: 
Ernesto Garcia
Assistant City Attorney

COUNCIL COMMUNICATION

DATE: 5/3/04	SUBJECT: PUBLIC HEARING Providing community residents an opportunity to comment on their housing and community needs and the projects that they wish to see funded through the 30 th Action Year (AY) Community Development Block Grant (CDBG), the 2004 HOME Investment Partnerships Grant (HOME), the 2004 Emergency Shelter Grant (ESG), and the 2003 and 2004 American Dream Downpayment Initiative Programs (ADDI) in support of the preparation and submission of the 2004 Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD). Also for discussion and comment is the Fiscal Year (FY) 2002-2003 Consolidated Annual Performance Report regarding the City's administration of HUD Programs.										
INITIATED BY: Cynthia Collazo Assistant City Manager	STAFF SOURCE: Erasmo Villarreal CD Director										
PREVIOUS COUNCIL ACTION: None											
BACKGROUND: <p>The City of Laredo is recognized as an entitlement City by HUD and is eligible in the next fiscal year to receive funding through the CDBG Program in the amount of \$4,336,000; the HOME Program in the amount of \$1,444,006, the ESG Program in the amount of \$161,205; and the 2003 and 2004 ADDI Program in the amounts of \$38,244 and \$45,129 respectively. The award of funds is contingent on the submission and approval of a Consolidated One Year Action Plan that specifically details the activities/projects to be funded with HUD program funds. One of the requirements of the Consolidated Plan process is that a public hearing be held to allow interested persons the opportunity to comment on need and the projects they wish to see funded with HUD entitlement funds. In addition to this public hearing, 7 neighborhood public meetings were held to obtain comments. All comments received will be considered in the preparation of the 2004 Consolidated Plan.</p> <p>It is also a requirement that a public hearing be held annually to discuss the City's performance in the administration of HUD program funds. The report period reviewed extends from October 1, 2002 to September 30, 2003. HUD, in its assessment, determined that 1.) the City of Laredo's overall program progress and its efforts in meeting its high priorities is satisfactory; 2.) the City has maintained consistency in the priorities identified in its Consolidated 5 Year Plan and those activities implemented; 3.) the activities of the program year comply with the requirements of the Housing and Community Development Act and other applicable laws and regulations; and 4.) the City of Laredo does have the continuing capacity to carry out its CDBG, HOME and ESG programs in a timely manner. HUD urged that the City provide for the continued timely use of funds and that project accomplishment data be appropriately maintained on HUD's Integrated Disbursement and Information System.</p>											
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">FINANCIAL IMPACT: 30th AY CDBG Grant -----</td> <td style="width: 30%; text-align: right;">\$4,336,000</td> </tr> <tr> <td>2004 HOME Investment Partnerships Grant -----</td> <td style="text-align: right;">\$1,444,006</td> </tr> <tr> <td>2004 Emergency Shelter Grant -----</td> <td style="text-align: right;">\$ 161,205</td> </tr> <tr> <td>2003 ADDI -----</td> <td style="text-align: right;">\$ 38,244</td> </tr> <tr> <td>2004 ADDI -----</td> <td style="text-align: right;">\$ 45,129</td> </tr> </table>		FINANCIAL IMPACT: 30 th AY CDBG Grant -----	\$4,336,000	2004 HOME Investment Partnerships Grant -----	\$1,444,006	2004 Emergency Shelter Grant -----	\$ 161,205	2003 ADDI -----	\$ 38,244	2004 ADDI -----	\$ 45,129
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2004 Emergency Shelter Grant -----	\$ 161,205										
2003 ADDI -----	\$ 38,244										
2004 ADDI -----	\$ 45,129										
COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION: That this public hearing be held.										

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: PUBLIC HEARING AND INTRODUCTORY ORDINANCE Authorizing the City Manager to enter into agreement with Texas Parks and Wildlife to accept a grant in the amount of \$55,380, with a 20% local match for the construction of the Chacon Creek Trail Phase II and amend the City of Laredo Fiscal Year 2004 Capital Improvements Projects Fund annual budget by appropriating revenues and expenditures in the amount of \$90,380 for the construction and development of Phase II of the Chacon Creek Hike and Bike Trail.																																														
INITIATED BY: Larry Dovalina, City Manager Cynthia Collazo, Assistant City Manager		STAFF SOURCE: Horacio De Leon, Parks & Recreation Director																																													
PREVIOUS COUNCIL ACTION: City Council approved the budget amendment for the first phase of the Chacon Creek Trail through Ordinance no. 2003-0-044 on February 18, 2003.																																															
BACKGROUND: <p>The Texas Parks and Wildlife National Recreational Trails Grant Fund has awarded the City \$55,380 for the development of the Chacon Creek Hike and Bike Trail Phase II which will span approximately 5,500 linear feet from the Dryden Park to Garcia Vela Park. The trail will be constructed through the coordination of various city departments including Public Works, Parks, Engineering, Community Development and the Environmental Engineering Department.</p> <p>The trail will provide visitors an opportunity to access scenic areas along the Chacon Creek riverbank and also link existing parks including Dryden and Garcia Vela Park.</p> <p>The 20% local match will be provided by force account labor on the construction of the trail extension.</p>																																															
FINANCIAL: The Capital Improvements Project Fund will be amended as follows: <table style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 15%; text-align: center;">Annual Budget FY 2004</th> <th style="width: 15%; text-align: center;">Proposed Amendment</th> <th style="width: 20%; text-align: center;">Amended Budget 2004</th> </tr> </thead> <tbody> <tr> <td colspan="4">Capital Improvements Project Fund:</td> </tr> <tr> <td colspan="4">Revenues:</td> </tr> <tr> <td>Texas Parks and Wildlife/Chacon Creek Trail Phase II (402-0000-323-2003)</td> <td style="text-align: right;">\$123,350</td> <td style="text-align: right;">\$55,380</td> <td style="text-align: right;">\$178,730</td> </tr> <tr> <td>Transfer in /General Fund (402-0000-398-0101)</td> <td style="text-align: right;">\$3,308,955</td> <td style="text-align: right;">\$35,000</td> <td style="text-align: right;">\$3,343,955</td> </tr> <tr> <td>Total Revenues</td> <td></td> <td style="text-align: right;">\$90,380</td> <td style="text-align: right;">\$90,380</td> </tr> <tr> <td colspan="4">Expenditures:</td> </tr> <tr> <td>Chacon Creek Trail Project Phase II (402-0000-535-4185)</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$90,380</td> <td style="text-align: right;">\$90,380</td> </tr> <tr> <td colspan="4">General Fund (Parks & Recreation) to be amended as follows:</td> </tr> <tr> <td>Personnel Reserves/Salary Savings (101-9810-594-9950)</td> <td style="text-align: right;">\$107,963</td> <td style="text-align: right;">(\$35,000)</td> <td style="text-align: right;">\$72,963</td> </tr> <tr> <td>Transfer to Capital Improvements Fund (101-9910-597-0402)</td> <td style="text-align: right;">\$400,000</td> <td style="text-align: right;">\$35,000</td> <td style="text-align: right;">\$435,000</td> </tr> </tbody> </table>					Annual Budget FY 2004	Proposed Amendment	Amended Budget 2004	Capital Improvements Project Fund:				Revenues:				Texas Parks and Wildlife/Chacon Creek Trail Phase II (402-0000-323-2003)	\$123,350	\$55,380	\$178,730	Transfer in /General Fund (402-0000-398-0101)	\$3,308,955	\$35,000	\$3,343,955	Total Revenues		\$90,380	\$90,380	Expenditures:				Chacon Creek Trail Project Phase II (402-0000-535-4185)	\$0	\$90,380	\$90,380	General Fund (Parks & Recreation) to be amended as follows:				Personnel Reserves/Salary Savings (101-9810-594-9950)	\$107,963	(\$35,000)	\$72,963	Transfer to Capital Improvements Fund (101-9910-597-0402)	\$400,000	\$35,000	\$435,000
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COMMITTEE RECOMMENDATION: N/A		STAFF RECOMMENDATION: Approval																																													

INTRODUCTORY ORDINANCE

Authorizing the City Manager to enter into agreement with Texas Parks and Wildlife to accept a grant in the amount of \$55,380, with a 20% local match for the construction of the Chacon Creek Trail Phase II and amend the City of Laredo Fiscal Year 2004 Capital Improvements Projects Fund annual budget by appropriating revenues and expenditures in the amount of \$90,380 for the construction and development of Phase II of the Chacon Creek Hike and Bike Trail.

WHEREAS, on September 22, 2003, City Council adopted the fiscal year 2004 annual budget: and

WHEREAS, on October 20, 2003, City Council will hold a public hearing and introduce this ordinance; and

WHEREAS, Texas Parks and Wildlife has awarded the City of Laredo a grant in the amount of \$55,380 with 20% local match provided by force account for construction of the Chacon Creek Hike and Bike Trail Phase II.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The Capital Improvements Project Fund is hereby amended as follows:

	Annual Budget FY 2004	Proposed Amendment	Amended Budget 2004
Capital Improvements Project Fund:			
Revenues:			
Texas Parks and Wildlife/Chacon Creek Hike and Bike Trail Phase II (402-0000-323-2003)	\$123,350	\$55,380	\$178,730
Transfer in General Fund-Parks	\$3,308,955	\$35,000	\$3,343,955
Total Revenue (402-0000-398-0101)	\$0	\$90,380	\$90,380
Expenditures:			
Chacon Creek Hike and Bike Trail Project (402-4322-535-4185)	\$0	\$90,380	\$90,380
General Fund (Parks & Recreation) will be amended as follows:			
Personnel Reserves/Salary Savings (101-9810-594-9950)	\$107,963	(\$35,000)	\$72,963
Transfer to Capital Improvements Fund (101-9910-597-0402)	\$400,000	\$35,000	\$435,000

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE
_____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME L. FLORES
CITY ATTORNEY

BY: _____
ANTHONY C. MCGETTRICK
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 5-3-04	SUBJECT: INTRODUCTION OF AN ORDINANCE Authorizing the City Manager to execute a contract by and on behalf of the City of Laredo as Zone Grantee of Foreign-Trade Zone No. 94 Site 6 and specifically authorizing the City Manager to enter into an operations agreement with Ravisa Distribution Center, as Zone Site Operator for approximately 5,000 square feet of activated space and 2,150 square feet of yard space located at 13485 South Unitec Drive, Unitec Industrial Park Foreign-Trade Zone Site 6 and authorizing the City Manager to execute said agreement. Providing activation, administrative and transaction fees to the City and providing for an effective date.	
INITIATED BY: Cynthia Collazo Assistant City Manager		STAFF SOURCE: Jose L. Flores Airport Director
PREVIOUS ACTION: None.		
BACKGROUND: A Foreign-Trade Zone is a secured specialized area, in or adjacent to the U. S. Port of Entry, which is considered to be outside the Customs Territory of the United States. Both foreign and domestic merchandise may be admitted to a Zone with no duty paid on the foreign merchandise unless and until it leaves the Zone for domestic consumption. If the merchandise is exported, no duties are paid to U. S. Customs. Transmaritime, Inc., will be required to post a FTZ Operators Bond with the U. S. Customs Service in the amount of \$100,000, a Foreign-Trade Zone Indemnification Bond (Grantee/Operator) in the amount of \$100,000 naming the City of Laredo, Grantee of FTZ No. 94, as Obligee, as well as provide Public Liability Insurance in the amount of One Million Dollars for the benefit of the City of Laredo, and naming the City of Laredo as additional insured.		
FINANCIAL: The Operations Agreement provides the following fees: a) \$500.00 Account No. 242-0000-361-1065 (Initial activation in the amount of two cents (\$0.02) per square foot of activated space with a minimum of \$500 and a Maximum of \$5,000), and b) \$214.50 per year Account No. 242-0000-361-1065 (Annual Administration Fee of three cents (\$0.03) per square foot of activated space), and c) An Activity Fee of \$2.00, Account No. 242-0000-361-1065, for the following U. S. Customs transactions (CF 214, CF 216 or their equivalent).		
COMMITTEE RECOMMENDATION:		STAFF RECOMMENDATION: Recommend that the City Manager be authorized to execute a Foreign-Trade Zone Operations Agreement with Ravisa Distribution Center.

AN ORDINANCE

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BY AND ON BEHALF OF THE CITY OF LAREDO AS ZONE GRANTEE OF FOREIGN-TRADE ZONE NO. 94 SITE 6 AND SPECIFICALLY AUTHORIZING THE CITY MANAGER TO ENTER INTO AN OPERATIONS AGREEMENT WITH RAVISA DISTRIBUTION CENTER, AS ZONE SITE OPERATOR FOR APPROXIMATELY 5,000 SQUARE FEET OF ACTIVATED SPACE AND 2,150 SQUARE FEET OF YARD SPACE LOCATED AT 13485 SOUTH UNITEC DRIVE, UNITEC INDUSTRIAL PARK FOREIGN TRADE ZONE SITE 6 AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT. PROVIDING ACTIVATION, ADMINISTRATIVE AND TRANSACTION FEES TO THE CITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Airport Director recommends that the City Council approve the proposed contract between the City of Laredo, as Grantee of Foreign-Trade Zone No. 94, and Ravisa Distribution Center, as Zone Site Operator for the approximate 5,000 square feet of warehouse space and 2,150 square feet of yard space within Foreign-Trade Zone No. 94-Site 6 located at the 13485 South Unitec Drive, Unitec Industrial Park and in furtherance of the development of Foreign-Trade Zone No. 94.

WHEREAS, the Airport Advisory Committee finds that said contract is in the best interest of the Airport and recommends that the City Council approve the proposed contract; and

WHEREAS, the City Council of the City of Laredo having heard the recommendations of the Airport Director and of the Airport Advisory Committee agrees with same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The City Manager be and is hereby authorized to execute a contract with Ravisa Distribution Center for the approximate 5,000 square feet of warehouse and 2,150 square feet of yard space within Site 6 located at 13485 South Unitec Drive, Unitec Industrial Park, Foreign-Trade Zone No. 94 granted by the Foreign-Trade Zones Board to the City of Laredo, a copy of which contract is attached hereto as Exhibit A, and incorporated herein as if set out at length.

Section 2: This Ordinance shall become effective upon passage hereof.

AN ORDINANCE AUTHORIZING A CONTRACT BETWEEN THE CITY OF LAREDO AND RAVISA DISTRIBUTION CENTER.

PASSED BY THE CITY COUNCIL AND APROVED BY THE MAYOR ON
THIS THE ____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME L. FLORES
CITY ATTORNEY

BY:_____
VALERIA M. ACEVEDO
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 05/03/2004	SUBJECT: INTRODUCTORY ORDINANCE Authorizing the City Manager to execute all necessary documents to effectively convey to Jesus Padilla, fee simple title to the "Surface Only" of certain property described as being a 3,544.6830 square feet or 0.081 acres, more or less, parcel of land, at its market value of \$5,300.00, and being situated in Survey 1019, Abstract 62, City of Laredo, Webb County Texas; as described by metes and bounds and survey attached as Exhibits A and B; and providing for an effective date.	
INITIATED BY: CYNTHIA COLLAZO Asst. City Manager		STAFF SOURCE: ANGELO FERRAZZANO Real Estate Manager
PREVIOUS COUNCIL ACTION: None		
BACKGROUND: On February 23, 2004, Mr. Jesus Padilla, property owner of Lot 13, Block 12, Chaparral Village Subdivision, Unit II, City of Laredo, Webb County, Texas requested that the City of Laredo consider selling him a 3,544.6830 square feet or 0.081 acres, more or less, parcel of land situated in Survey 1019, Abstract 62, City of Laredo, Webb County, Texas at the market value of \$5,300.00. This property is substandard in size and of no use on its own except as part of the abutting property. V.A.T.C.S. Local Government Code, Section 272.0001, (b) (1), exempts cities from compliance with the bid procedure and publication requirements in the sale of real property whenever the land to be conveyed is narrow in shape and so small as to be incapable of being used independently as zoned, in which case, such land may be sold to the abutting property owner(s).		
FINANCIAL IMPACT: Revenue to be derived from the sale is \$5,300.00 and will be credited to account number 101-0000-374-1000 – Sale of Land		
COMMITTEE RECOMMENDATION: N/A		STAFF RECOMMENDATION: Staff recommends introduction of ordinance.

ORDINANCE

AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS TO EFFECTIVELY CONVEY TO JESUS PADILLA, FEE SIMPLE TITLE TO THE "SURFACE ONLY" OF CERTAIN PROPERTY DESCRIBED AS BEING A 3,544.6830 SQUARE FEET OR 0.081 ACRES, MORE OR LESS, PARCEL OF LAND, AT ITS MARKET VALUE OF \$5,300.00, AND BEING SITUATED IN SURVEY 1019, ABSTRACT 62, CITY OF LAREDO, WEBB COUNTY TEXAS; AS DESCRIBED BY METES AND BOUNDS AND SURVEY ATTACHED AS EXHIBITS A and B; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mr. Jesus Padilla, owner of Lot 13, Block 12 Chaparral Village Subdivision, Unit II, City of Laredo, Webb County, Texas, has requested that the City of Laredo convey to him, the "Surface Only" of the above-referenced abutting land parcel at its appraised market value of \$5,300.00; and

WHEREAS, it has been determined that, due to its narrow triangular shape and small size, the above-mentioned parcel of land has no utility, except as part of a replatted abutting property; and

WHEREAS, V.A.T.C.S. Local Government Code, Section 272.0001, (b) (1), exempts cities from compliance with the bid procedure and publication requirements in the sale of real property whenever the land to be conveyed is narrow in shape and so small as to be incapable of being used independently as zoned, in which case such land may be sold to the abutting property owner(s); and

WHEREAS, the City Council finds that it is in the best interest of the City of Laredo to convey the "Surface Only" of the above-referenced parcel of land to Mr. Jesus Padilla, at the appraised market value of \$5,300.00.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

1. It hereby authorizes the City Manager to execute all necessary documents to effectively convey to Jesus Padilla, fee simple title to the "Surface Only" of certain property described as being a 3,544.6830 square feet or 0.081 acres, more or less, parcel of land, at its market value of \$5,300.00, and being situated in Survey 1019, Abstract 62, City of Laredo, Webb County, Texas; as described by metes and bounds and survey attached as Exhibits A and B.

2. This Ordinance shall become effective upon passage thereof.

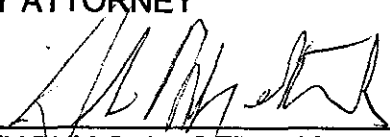
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON
THIS THE _____ Day Of _____, 2004.

ELIZABETH G. FLORES
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME L. FLORES
CITY ATTORNEY

BY: 

ANTHONY C. McGETTRICK
ASST. CITY ATTORNEY



ENGINEERS & CONSULTANTS INC.

801 GUADALUPE ST. SUITE 101 • LAREDO, TX 78040 • PH. (956) 791-1220 • FAX (956) 753-7687

LEGAL DESCRIPTION

0.081-ACRE TRACT

Being 3,544.6830 square feet or 0.081 acres, more or less, out of that certain tract of land called to contain 0.3365 acres, conveyed to the City of Laredo by Adolfo E. Gutierrez by Warranty Deed recorded in Volume 807, Pages 064-065, Official Public Records, Webb County, Texas, situated in Survey 1019, Abstract 62, G.B. & C.N.G.R.R. Company, Original Grantee, Webb County, Texas, and more particularly described by metes and bounds as follows, to-wit:

Beginning at a ½-inch diameter iron rod set on the northeast margin of a 50-foot wide public right-of-way, Chaparral Street, the most westerly corner of Lot 13, Block 2, Chaparral Village Subdivision, Unit II, Area "B", of record in Volume 3, Page 7-A, Plat Records, Webb County, Texas, the most southerly corner of the aforementioned 0.3365-acre parent tract, and the most southerly corner hereof,

Thence N 79° 32' 00" W, with the northeast line of right-of-way of Chaparral Street and southwest line of said 0.3365-acre tract, at 41.20 feet a ½-inch diameter iron rod set for the most westerly corner hereof,

Thence N 10° 28' 00" E, at 60.70 feet a ½-inch diameter iron rod set for a point of deflection and interior corner hereof,

Thence N 49° 34' 49" E, at 65.31 feet a ½-inch diameter iron rod set on the northwest line of said Lot 13, Block 2, and southeast line of the aforementioned 0.3365-acre parent tract, for the most northerly corner hereof,

Thence S 10° 28' 00" W, with the northwest line of Lot 13, Block 2, and southeast line of said 0.3365-acre tract, at 111.37 feet the **Point of Beginning** and containing 3,544.6830 square feet or 0.081 acres, more or less.

Basis of Bearings

A ½-inch diameter iron rod found for the most northerly corner of Lot 3, Block 4, Chaparral Village Subdivision, Unit I, recorded in Volume 3, Page 5-A, Plat Records, Webb County, Texas, and a ½-inch diameter iron rod which bears S 84° 32' 32" E ~ 0.26 feet from the most southerly corner of Lot 11, Block 12, Chaparral Village Subdivision, Unit II, Area "B", recorded in Volume 3, Page 7-A, Plat Records, Webb County, Texas.

Record Bearing/Distance: N 88° 19' 42" E ~ 279.56' (Calculated)

Field Measured : N 88° 20' 06" E ~ 279.81'

Certificate of Surveyor

State of Texas:

County of Webb:

I, the undersigned Registered Professional Land Surveyor in the State of Texas, hereby certify that the foregoing Property Description and attached Plat of Survey were prepared from an actual survey made on the ground under my supervision.

Juan Tijerina, R.P.L.S. No. 5051

Date

04/19/04



EXHIBIT

A

SURVEY PLAT

MANUEL T. LONGORIA
VOL. 802, PG. 531-534
W.C.P.R.

5' UTILITY EASEMENT

5' UTILITY EASEMENT

CHAPARRAL VILLAGE SUBD.
UNIT II, AREA "B"
VOL. 3, PG. 7-A
W.C.P.R.

NORTH
SCALE 1" = 20'

LOT 13, BLK 12

ONE-STORY
BRICK
RESIDENCE

LEGEND

- 1/2" IRON PIN, FOUND
- 1/2" IRON PIN, SET
- BLOCK WALL
- CHAIN-LINK FENCE

CHAPARRAL STREET

(50' R.O.W.)
(Recorded in Vol. , Pg. , W.C.P.R.)

- 1) BASIS OF BEARING: (N 88°19'42" E ~ 279.56')
N 88°20'06" E ~ 279.81'
- 2) CONTROLLING MONUMENTS: A 1/2" IRON ROD FOUND FOR THE MOST NORTHERLY CORNER OF LOT 3, BLOCK 4, CHAPARRAL VILLAGE SUBD., UNIT I (VOL. 3, PG. 5-A, W.C.P.R.), AND A 1/2" IRON ROD WHICH BEARS S 84°32'32" E ~ 0.26' FROM THE MOST SOUTHERLY CORNER OF LOT 11, BLOCK 12, CHAPARRAL VILLAGE SUBD., UNIT II, AREA B (VOL. 3, PG. 7-A, W.C.P.R.)

NOTE: RECORD CALLS SHOWN IN PARENTHESIS. TIES ARE REFERENCED TO RECORD BOUNDARY.

CERTIFICATE OF SURVEYOR

STATE OF TEXAS
COUNTY OF WEBB

I, THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION, ON THE GROUND, THAT THE CORNER MONUMENTS SHOWN WERE PROPERLY PLACED OR LOCATED UNDER MY SUPERVISION.

JUAN TIJERINA

5051

DATE



THIS SURVEY IS VALID ONLY WITH ORIGINAL SEAL IN RED INK.

LEGAL DESCRIPTION

BEING 3,544.6830 Sq.Ft. OR 0.081 ACRES, MORE OR LESS, OUT OF THAT CERTAIN TRACT OF LAND CALLED TO CONTAIN 0.3365 ACRES, CONVEYED TO THE CITY OF LAREDO BY ADOLFO E. GUTIERREZ BY WARRANTY DEED RECORDED IN VOLUME 807, PAGES 064-065, OFFICIAL PUBLIC RECORDS, WEBB COUNTY TEXAS, SITUATED IN SURVEY 1019, ABSTRACT 62, G.B. & C.N.G.R.R. COMPANY, ORIGINAL GRANTEE, WEBB COUNTY, TEXAS.

FLOOD NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE(S) "C" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 480851 0005 B BEARING AN EFFECTIVE DATE OF MAY 17, 1982 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THE ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION.



TEC ENGINEERS & CONSULTANTS INC.

801 GUADALUPE ST. LAREDO, TX. 78040
PH. (956)791-1220 FAX (956)753-7667

SURVEYED
DECEMBER 5, 2003

FILE NAME:
C:\ENG\JESUSPADILLA\TOPO

SHEET 1 OF 2

EXHIBIT

B

COUNCIL COMMUNICATION

DATE: 05/03/2004	SUBJECT: INTRODUCTORY ORDINANCE AMENDING CHAPTER 19, "MOTOR VEHICLES AND TRAFFIC", ARTICLE VIII; STOPPING, STANDING OR PARKING, OF THE CODE OF ORDINANCES OF THE CITY OF LAREDO: SPECIFICALLY SECTION 19-364, RESTRICTED PARKING AREAS, ESTABLISHING A "NO PARKING ANYTIME/TOW AWAY ZONE" ON THE EAST SIDE OF THE 11000 BLOCK OF McPHERSON ROAD, BETWEEN NAFTA STREET AND GRAND CENTRAL BLVD., WITHIN CITY LIMITS OF LAREDO; PROVIDING SEVERABILITY AND FOR AN EFFECTIVE DATE AND PUBLICATION.		
<table style="width: 100%;"><tr><td style="width: 50%; vertical-align: top;">INITIATED BY: Larry Dovalina, City Manager</td><td style="width: 50%; vertical-align: top;">STAFF SOURCE: Roberto Murillo, P.E., Traffic Director</td></tr></table>		INITIATED BY: Larry Dovalina, City Manager	STAFF SOURCE: Roberto Murillo, P.E., Traffic Director
INITIATED BY: Larry Dovalina, City Manager	STAFF SOURCE: Roberto Murillo, P.E., Traffic Director		
PREVIOUS COUNCIL ACTION: April 5, 2004-Motion to establish this section of road as a "No Parking Anytime/Tow Away Zone"..			
BACKGROUND: Currently, a situation exists with the entry/exit to the new Border Patrol Station that is located on the east side of the 11000 block of McPherson Road between Nafta St. and Grand Central Avenue . There have been several traffic safety concerns voiced due to the parking of trailers and other vehicles in this area creating a sight distance problem for vehicles exiting the Border Patrol Station. The designation of this section of road as a "No Parking Anytime/Tow Away Zone" is recommended to prohibit any parking along the east side of the 11000 block of McPherson Rd. and to authorize the Police Dept. to cite or tow-away vehicles that disregard this designation. McPherson Rd. is an on-system roadway and therefore the City of Laredo Traffic Safety Department will be responsible for the installation and maintenance of all signs installed to designate this sections of roadway as such.			
FINANCIAL IMPACT: Funding will be obtained from Traffic Department operating fund Streets Signs 101-2610-522-3040.			
COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION: Staff recommends introduction of this ordinance.		

AN ORDINANCE

AMENDING CHAPTER 19, "MOTOR VEHICLES AND TRAFFIC", ARTICLE VIII; STOPPING, STANDING OR PARKING, OF THE CODE OF ORDINANCES OF THE CITY OF LAREDO; SPECIFICALLY SECTION 19-364, RESTRICTED PARKING AREAS, ESTABLISHING A "NO PARKING ANYTIME/TOW AWAY ZONE" ON THE EAST SIDE OF THE 11000 BLOCK OF McPHERSON ROAD, BETWEEN NAFTA STREET AND GRAND CENTRAL BLVD., WITHIN CITY LIMITS OF LAREDO; PROVIDING SEVERABILITY AND FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, it is necessary to eliminate parking on the east side of the 11000 block of McPherson Rd. to address sight distance concerns for vehicles exiting the Border Patrol Station Facility by establishing a "No Parking Anytime/Tow Away Zone" on this section of road; and

WHEREAS, it is in the opinion of the City Council that it is in the best interest of the city to apply the best and fairest method to maintain and regulate the use of streets and street parking in this area and other streets throughout the city; and

WHEREAS, the City Council finds that it is necessary to authorize the removal of vehicles that are in violation of illegal parking by properly establishing and identifying the east side of the 11000 block of McPherson Rd. as a "No Parking Anytime/Tow Away Zone"; also recognizing that increased regulation of parking constitutes a benefit to the City,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

SECTION 1. AMENDMENT

Chapter 19, "Motor Vehicles and Traffic, Article VIII, "Stopping, Standing, or Parking", of the Code of Ordinances of the City of Laredo specifically by amending section 19-364 by adding a subsection (6) to establish "No parking anytime/tow away zone" on the east side of the 11000 block of McPherson Rd. located north of Loop 20;

Chapter 19 Motor Vehicles and Traffic Article VIII. Stopping, Standing, or Parking

Section 19-364 Restricted Parking Areas.

The removal of vehicles for parking violations on certain streets and parking metered areas for the following time periods are hereby established:

1. Parking of vehicles is prohibited Monday thru Saturday, between the hours of 6:00 p.m. and 8:00 a.m., and all day Sunday, in parking metered spaces located on the following streets:

Blocks 600 thru 1000 of Santa Ursula Avenue, and

The 800 Block of Lincoln St. and Washington St.,

2. Parking of vehicles is prohibited at all times in the following streets located in the downtown business district:

Blocks 500 thru 1000 of San Dario Avenue;

Blocks 200 thru 500 of Santa Ursula Avenue;

The 600 block of Iturbide St., Hidalgo St., Matamoros St., Houston St., and Washington St.;

The 600 block of Farragut St. and the north side of Victoria St.;

The 800 block of Iturbide, Hidalgo, Farragut, Matamoros, and Victoria;

The south side of the 800 block of Houston;

The north side of the 800 block of Lincoln St. and Washington St.;

The 300 block of San Bernardo St.;

The north side of Pedregal Rd. (River Rd) between Santa Isabel Ave. on the west and the old U.S. Customs import lot on the east;

The south side of Pedregal Rd, (River Rd) between Santa Isabel Ave. on the west and Santa Maria Ave. on the east;

The east and west side of Main St. between Pedregal (River Rd) on the south and Water St. on the north;

The north and south side of Ventura St. between Santa Maria Avenue on the east and Santa Cleotilde Avenue on the west.

The east and west side of Santa Maria Ave. between Pedregal (River Rd) on the south and Water St. on the north;

3. Parking of vehicles is prohibited at all times along U.S. 83 (Zapata Highway) between Zacatecas Street , and the southern City limits of Laredo;

4. Parking of vehicles is prohibited between the hours of 7:30A.M. and 4:30 P.M., Monday to Friday, on the south side of Shiloh Drive between Shalom Circle and Fox Lane;

5. Parking of vehicles is prohibited in the following areas designated as "Permit Parking Only" Zone 1, 7:30 am to 4:30 pm ,Monday to Friday in the following areas, except for those vehicles displaying approved city of Laredo permit parking decals and permit parking tags and for those service vehicles providing a specific service to a residence and which are properly identified;

North side of Shiloh Drive from Whisper Hills Drive to 100 west of Cornell Drive

East and West side of Shalom Circle South of Shiloh Drive

East and West side of Shama Circle South of Shiloh Drive

North and south side of Brown Avenue between Cornell Drive and Yale Drive

East and West side of Harvard Drive between Brown Drive and Longhorn Drive

East and West side of Cornell Avenue between Shiloh Drive and Longhorn Drive

East and West side of Navajo Lane between Shiloh Drive and Longhorn Drive

East and West side of Fox Lane between Shiloh Drive and Ozark Drive

North and South side of Ozark Drive between Navajo Lane and Tucson Lane

North and South side of Glenwood Drive between Navajo Lane and Tucson Lane

6. North of Loop 20 on the East side of the 11000 Block of McPherson Road between Nafta Street and Grand Central Blvd.

SECTION. 2 SEVERABILITY

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or for any reason unenforceable, the validity of the remaining portion of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Laredo in adopting this ordinance that no portion hereof of provisions or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity and all provisions are declared severable for that purpose.

SECTION. 3 PUBLICATION

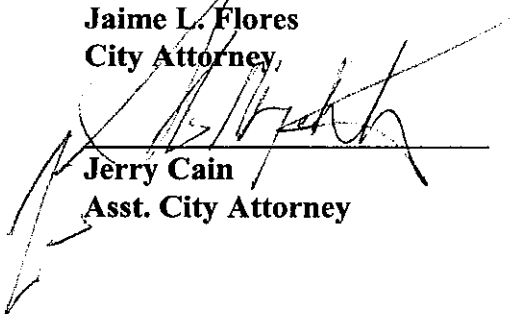
This Ordinance shall be published once in accordance with the provisions set for in Section 2.09 (d) of the City Charter. This ordinance shall become effective upon its passage and publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
_____ DAY OF _____, 2004.

Elizabeth G. Flores
MAYOR

APPROVED AS TO FORM:

Jaime L. Flores
City Attorney,



Jerry Cain
Asst. City Attorney

ATTEST:

Gustavo G. Guevara, Jr.
City Secretary

COUNCIL COMMUNICATION

DATE: May 3, 2004	SUBJECT: Final Reading on Ordinance No. 2004-O-087 AUTHORIZING THE GRANTING TO BATISTA ROMAN ENTERPRISES INC., A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A COMMERCIAL CONTAINER REFUSE GATHERING AND DISPOSING SERVICE IN THE CITY OF LAREDO, TEXAS AND PROVIDING THE TERMS, CONDITIONS, OBLIGATIONS, AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED; PROVIDING INDEMNITY TO THE CITY; CITY RETAINS AUTHORITY TO REGULATE RATES EXCEPT FOR RATE INCREASES RESULTING FROM INCREASED LANDFILL FEES WHICH ARE PASSED ON TO THE CUSTOMER; PROVIDING FOR INCREASED SERVICES RATES; PROVIDING FOR FRANCHISE PAYMENTS; AND PROVIDING FOR SEVERABILITY, PUBLICATION AND EFFECTIVE DATE. (AS AMENDED)	
INITIATED BY: Manuel Batista President – Batista Roman Enterprises, Inc.	STAFF SOURCE: Oscar J. Medina Director – Solid Waste Department	
PREVIOUS COUNCIL ACTION: Passed first reading at a regular meeting of the City Council on the 29 th day March, 2004 and second reading at a regular meeting of the City Council on the 5 th day of April, 2004.		
BACKGROUND: The applicant has requested a non-exclusive franchise agreement from the city for the purpose of operating a commercial container refuse gathering and disposal service. The applicant currently has a cleaning services business doing business as Star Cleaning and wishes to expand to areas requiring a franchise agreement with the City.		
FINANCIAL IMPACT: The franchisee will pay 4% of gross receipts after which the fee is subject to review every five years pursuant to Section 4. Paragraph B of the ordinance.		
COMMITTEE RECOMMENDATION: None	STAFF RECOMMENDATION: That this ordinance be passed.	

ORDINANCE NO. 2004-O-087

AUTHORIZING THE GRANTING TO BATISTA ROMAN ENTERPRISES, INC., A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A COMMERCIAL CONTAINER REFUSE GATHERING AND DISPOSING SERVICE IN THE CITY OF LAREDO, TEXAS AND PROVIDING THE TERMS, CONDITIONS, OBLIGATIONS, AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED; PROVIDING INDEMNITY TO THE CITY; CITY RETAINS AUTHORITY TO REGULATE RATES EXCEPT FOR RATE INCREASES RESULTING FROM INCREASED LANDFILL FEES WHICH ARE PASSED ON TO THE CUSTOMER; PROVIDING FOR INCREASED SERVICES RATES; PROVIDING FOR FRANCHISE PAYMENTS; AND PROVIDING FOR SEVERABILITY, PUBLICATION AND EFFECTIVE DATE. **(AS AMENDED)**

WHEREAS, BATISTA ROMAN ENTERPRISES INC., (GRANTEE) has requested a franchise to operate a commercial container refuse gathering and disposing system in the City of Laredo, Texas; and

WHEREAS, the City of Laredo (GRANTOR) desires to grant such franchise.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO, TEXAS:

Section I. Franchise Grant

The City of Laredo, a municipal corporation of the State of Texas, hereinafter called GRANTOR, does hereby grant to BATISTA ROMAN ENTERPRISES INC., hereinafter called GRANTEE, its successors and assigns, the non-exclusive right, privilege and franchise to construct, maintain and operate a commercial container refuse gathering and disposing service within the City of Laredo, and for that purpose to have, acquire, construct, maintain and operate in and upon the present and, future streets, alleys, highways, parkways and other public places of the City of Laredo a service of commercial container refuse gathering vehicles and the necessary or desirable appurtenances to be located on private property only in order to supply refuse gathering and disposal services to the City of Laredo, and the inhabitants hereof for the considerations and subject to the conditions, terms, duties, obligations, and limitations expressed in this ordinance.

Section 2. Term

The franchise herein granted shall take effect upon the expiration of sixty (60) days following the date of final adoption. Prior to becoming effective, the franchise must be accepted by the GRANTEE in writing who must have filed it with the City Secretary of the City of Laredo within five (5) days after final adoption of this ordinance. If the GRANTEE shall faithfully comply with all the terms and faithfully perform all of the duties and obligations, and faithfully observe and recognize all the limitations and regulations contained in this ordinance and in the valid ordinances of this City relating to the conduct of GRANTEE'S business adopted hereunder or under the police powers of the City, then the rights, franchise and privileges herein granted shall be for a term of five (5) years ending at midnight on July 2nd 2009.

Section 3. Prior Franchise Terminated

Once this Ordinance becomes effective, it shall supersede and terminate any prior refuse gathering franchise granted to GRANTEE.

Section 4. Franchise Fee

- A. In consideration of the grant of the franchise herein, GRANTEE agrees to pay the GRANTOR on the twentieth (20th) day of each quarter, said quarters to begin on the first day of the months of January, April, July and October, a sum equal to four percent (4%) of gross receipts received by the GRANTEE for its services within the limits of the City of Laredo.
- B. In consideration of the grant of the franchise for the term herein specified, it is mutually agreed by both GRANTEE and GRANTOR that said percentage of gross receipts is subject to review by GRANTOR every two years and GRANTOR reserves the right to increase said percentage of gross receipts according to factors and circumstances present at the time of review, including but not limited to: the percent change in the Consumer Price Index (CPI) from the preceding calendar five year's average, specifically defined as the Consumer Price Index (U.S. Average, All Urban Consumers, AU Items) 1982-84=100 base as compiled by the Bureau of Labor Statistics, the

increase in GRANTEE customer base, the state of the economy, the amount of GRANTEE'S vehicles traversing GRANTOR'S roadways, and the fee paid to other comparable communities.

- C. Said payment is for the use of the GRANTOR'S streets, alleys and right-of-way.
- D. It is agreed that the payment of such percentage of gross receipts each year shall be charged by GRANTEE as items of operating expense for rate making purposes, and shall never be considered as a cost of the franchise herein granted in any determination of rates in the future.
- E. Provided further, that payments herein provided do not relieve GRANTEE from the payment of ad valorem taxes, special assessments, charges, or other fees applicable to the public generally and nothing in this section shall be construed to be a breach of in anyway affect the power of the GRANTOR to impose all ad valorem taxes on any and al property of the GRANTEE which may be lawfully subject to taxation.
- F. It is understood and agreed that any lawful amount which may be or become due by the GRANTEE to the GRANTOR, under the terms of this franchise, as well as any and all lawful ad valorem taxes which may be imposed and become due and payable to the GRANTOR upon property of the GRANTEE situated in the City of Laredo shall be paid when due and failure to pay said sum or sums of money due the GRANTOR shall be grounds for revocation of this franchise at the sole option of the City Council of the City of Laredo.

Section 5. Service Rates

- A. GRANTOR retains full and complete powers within the limits of the Constitution and laws of this State, to approve by ordinance from time to time throughout the life of this franchise a reasonable price for services to be rendered by GRANTEE hereunder.
- B. The initial service fee to be charged by GRANTEE is herein fixed by this Ordinance as Exhibit "A" to be a monthly service charge per month, per customer, per container, per weekly pick-up plus the installation fee that will not be excided.

- C. A complete schedule of monthly service charges for customer service to be rendered by GRANTEE is attached to this ordinance as Exhibit "A" and made a part hereof.
- D. Subject to Section 8 herein, it is agreed and understood by the parties that GRANTEE may increase the price for services rendered by GRANTEE hereunder without City Council approval only if the amount increased corresponds to an increase in landfill fees by the GRANTOR to the extent that such increase in the price of services rendered by GRANTEE is proportioned to offset as exactly as possible the cost of the landfill fee increase to the GRANTEE considering the difference in GRANTEE'S average gross receipts and the cost of landfill fees paid to the GRANTOR for average tonnage of refuse disposed for the previous twelve (12) months prior to the enactment of the increase by GRANTOR.

Section 6. Service Area

The terms of this franchise are applicable to the operations of the GRANTEE within the City Limits of the City of Laredo in serving those customers or areas which the GRANTOR now services or hereafter serves within the City Limits in the future.

Section 7. Requests for Service

The GRANTEE shall, where necessary to supply any person(s), firm, corporation, association or entity who will contract with GRANTEE to use its commercial container refuse gathering and disposal services within the limits of the City of Laredo, and who have made written demand therefore and is not delinquent in the payment of collection charges due GRANTEE, construct the necessary service facilities on the property of each such person within one hundred eighty (180) days after such written demand therefore, unless prevented by causes beyond the control of the GRANTEE.

Section 8. Records

- A. The GRANTEE shall be required during the term of this franchise, or any extension thereto, to keep, and maintain in the City of Laredo complete books and records of the business carried on by it in the City and showing its entire receipts, expenses and disbursements in connection with such

business, which books and records shall be kept by competent accountants in the manner prescribed or approved by the City Council.

- B. GRANTEE is required to keep and maintain in the City of Laredo during the life of this franchise or any extension thereto, a complete inventory of its vehicles and equipment situated in the City of Laredo, showing the value thereof and its investments therein.
- C. Said books; records and inventory shall be made available for inspection and verification by the City Council or any authorized official of the City of Laredo at their request.
- D. City Council or any authorized official of the City of Laredo shall have the right at any reasonable time to audit the books, records or inventory of GRANTEE.
- E. GRANTEE shall file full and complete reports with GRANTOR along with the franchise fee before the first day of each quarter, beginning the first day of the months of January, April, July and October, on the following:
 - 1. A list of all existing commercial accounts served, including customer name, address, frequency, pick-up, size of container (in cubic yards) or type of service and charge for same.
 - 2. A list of all new commercial accounts served, including customer name, address, frequency, pick-up, size of container (in cubic yards) or type of service and charge for same.
 - 3. Names and addresses of commercial customers dropped from service for any reason and the reason, if available, that such customer was dropped from service.
 - 4. A balance sheet showing the total gross receipts within the City of Laredo starting at beginning and ending date for the previous quarter.
 - 5. A statement by an authorized official of GRANTEE, under oath, attesting to and duly verifying the accuracy of all items covered in this section.
- F. GRANTEE shall file a full and complete report with GRANTOR before the first day January every year on the following:

1. A list of all vehicles used in providing service and all vehicles which have been added to or removed from providing such service. Such list shall include state license number, year, make, model, and manufacturers rated capacity for each vehicle.

Section 9. Placement of Containers

The location and placing of containers and other instrumentalities by the GRANTEE shall at all times be on private property only, and no containers or other instrumentalities shall be placed on public streets, sidewalks, or within the street right of way area.

Section 10. Compliance with Laws, Ordinances and Regulations

- A. GRANTEE shall conform and comply with all city, county, state and federal laws, ordinances, provisions of the Charter of the City of Laredo, rules and regulations now in force and that may hereafter be adopted pertaining to the subject matter of this Ordinance. Nothing in this ordinance shall be construed in any manner to abridge the right of GRANTOR to pass or enforce necessary police, health, or safety regulations for the protection of its inhabitants.
- B. All equipment and vehicles and all construction, disposal and other work done by the GRANTEE in the operating of its business shall comply with all laws, rules and regulations of the State of Texas and of the United States of America imposed upon the refuse gathering or disposal of refuse by the GRANTEE and/or the GRANTOR.

Section 11. Indemnity

GRANTEE shall at all times defend, indemnify, save and hold harmless the GRANTOR and each of its officers, agents, servants and employees from any and all suits, actions, claims, losses or damages of any character and from all expenses incidental to the defense of such suits action or claims based upon or arising out of any injury, disease, sickness or death of any person or persons, or any damages to any property including environmental damage caused by any act of omission of the GRANTEE or its officers, agents, servants, employees, or anyone else under GRANTEE'S direction and control and arising out of , occurring in connection with, resulting from or caused by the performance or failure of performance or the

nonperformance of said work, service or business. Upon notice given to GRANTEE by GRANTOR, GRANTEE must defend, at its own expense, any said action or suit brought against the GRANTOR and Counsel chosen by GRANTEE to defend GRANTOR must be satisfactory to GRANTOR.

Section 12. Insurance

A. GRANTEE shall carry, procure, furnish and file with the City Secretary insurance:

1. Workers Compensation:

GRANTEE shall furnish a certificate of insurance indicating workers compensation coverage as required by the State of Texas.

2. Automobile Liability Insurance:

GRANTEE shall carry in its own name, a policy in comprehensive form to insure the automobile liability of its operation with limits to not less than One Million Dollars (\$1,000,000.00) per occurrence for bodily injury and, in addition, not less than One Hundred Thousand (\$100,000.00) property damage. This policy shall name GRANTOR as an additional insured and provide for thirty (30) days notice to GRANTOR prior to cancellation. A certification of insurance showing such coverage shall be filed before the effective date of this franchise, and it shall be maintained in force during the term of this franchise and an extension thereto.

3. General Liability:

GRANTEE shall carry, in its own name, a comprehensive liability insurance policy including contractual coverage for operations other than automobile with limits of not less than One Million Dollars (\$1,000,000.00) per occurrence for bodily injury, and One Hundred Thousand Dollars (\$100,000.00) per occurrence for property damage. The policy shall name the GRANTOR as a named insured and provide for thirty (30) days notice to GRANTOR prior to cancellation. A certificate of insurance certifying such coverage shall

be filed before the effective date of this franchise and maintained in force during the term the franchise and any extension thereto.

Section 13. Service Standard and Equipment

GRANTEE shall maintain and operate its collection system and equipment in good order to render efficient service subject to the terms of this franchise. GRANTEE shall obtain and maintain in good working order sufficient equipment to provide regular service throughout the City of Laredo. The trucks used in the collection of garbage or refuse shall be all metal, water tight, and shall be equipped with closed bodies equipped with hydraulically operated devices for compacting collected garbage and meet all federal and state laws and regulations and are subject to approval by GRANTOR. GRANTEE shall not litter premises in the process of making collections nor allow any refuse to blow at all from any vehicle used for collection. Collection vehicles and all containers shall be painted and numbered and shall have the GRANTEE'S name and telephone number painted in letters of a contrasting color. All vehicles and containers shall be kept in a clean and sanitary condition.

Section 14. Landfill Facilities

A. GRANTEE agrees to use only the city municipal solid waste facilities for disposal or processing of municipal solid waste and industrial solid waste including but not limited to the city sanitary landfills, and other city municipal solid waste facilities such as transfer stations, to discharge municipal solid waste and industrial solid waste as defined in 30 TAC §330.2, that GRANTEE shall collect from its customers. GRANTEE shall pay all landfill fees on time associated with said use. It is specifically understood, however, that the City is under no obligation to furnish sanitary landfills or other municipal solid waste disposing facilities to the GRANTEE. GRANTEE is granted a privilege to use the city municipal solid waste disposing and processing facilities. The permit granted to the GRANTEE is limited to the facilities normally operated by the GRANTOR for all municipal garbage disposal or processing facilities, as determined by 30 TAC §330, the

GRANTOR shall be under no obligation to furnish to the GRANTEE sanitary landfills, or any other municipal solid waste disposing and processing facilities.

- B. GRANTEE, in its operation, shall comply with all requirements of the City of Laredo and the department of the city operating the city landfill or refuse disposal site including but not limited the hours designated for receiving refuse at the disposal site.
- C. GRANTEE is considered a generator and transporter of waste and may be subject to environmental liability.

Section 15. Assignment

This franchise shall not be assigned without the prior consent of the City Council as expressed in an Ordinance passed by the Council. If consent is given, the terms of this franchise shall be binding upon an inure to the benefit of the parties hereto and their respective administrators, successors, and assigns.

Section 16. Notices

All notices, payments, reports, statements or demands, which are given or made to either GRANTEE or GRANTOR, as provided for in this ordinance, or incident to its terms, or in the exercise of the police power of the City, may be effected by personal delivery in writing or by certified mail, postage prepaid. Mailed notices shall be addressed to the Parties at the addresses appearing below, but each Party may change its address by written notice in accordance with this section.

GRANTOR: City of Laredo

C/o City Manager

P.O. Box 579

Laredo, Texas 78042

GRANTEE: Manuel Batista

Batista Roman Enterprises, Inc.

1341 Kimberly Dr.

Laredo, Texas 78045

Section 17. Office

GRANTEE shall establish and maintain an office with telephone service and shall keep said office open for business from 9:00 a.m. to 5:00 p.m. each and every day except for Saturday, Sunday and holidays which are recognized by the City for its general employees. Any telephone call received by GRANTEE shall be given prompt and courteous attention.

Section 18. Interruption of Service

In the event that service shall be interrupted for any reason for more than forty-eight (48) hours, GRANTOR shall have the right to make temporary independent arrangements for the purposes of continuing this necessary service to its residents in order to provide or protect the public health and safety. If the interruption in service mentioned herein continues for a period of seventy-two (72) hours, then the GRANTOR shall have the right to terminate the rights and privileges granted in this franchise.

Section 19. Default and Termination

- A. In the event that any provision of this franchise is violated by GRANTEE, GRANTOR may serve written notice to the GRANTEE of its intention to terminate this franchise.
- B. Said written notice shall contain the reasons for such intention to terminate the franchise.
- C. Unless within ten (10) days after mailing such notice by GRANTOR to GRANTEE, such violation shall cease, or satisfactory arrangements for correction be made by GRANTEE, the City Council may, after a public hearing in which GRANTEE is provided an opportunity to present evidence concerning such violation, by motion duly adopted, declare the franchise terminated and serve written notice upon GRANTEE of the termination and the termination of the franchise shall be effective upon the mailing of such notice.
- D. In the event of a termination, the GRANTOR shall have the right to take over the work or portion thereof and prosecute the same, by contract, franchise, or otherwise, for the account and at the expense of GRANTEE. GRANTEE shall be liable to the GRANTOR for any excess costs, expenses, and revenues occasioned by GRANTOR taking over the service, and in such event the

GRANTOR may take possession and utilize in prosecuting the work, such appliances, equipment and sites as may have been used by the GRANTEE and are necessary therefore. After issuance by GRANTOR of its notice of intention to terminate the franchise, GRANTEE shall not remove from the City any of its equipment normally used in the prosecution of the work until arrangements to continue the work, by contract or otherwise, have been completed by GRANTOR.

Section 20. Venue

Proper venue under this franchise shall be in Webb County, Texas and Texas Laws shall apply.

Section 21. Adoption, Publication and Effective Date.

- A. This ordinance, upon being introduced at a regular meeting of the City Council, shall be read at three separate regular meetings of the City Council and shall not be passed finally until thirty (30) days after the first reading.
- B. Within five (5) days following each of the three (3) readings of this ordinance, the full text of this ordinance shall be published in some newspaper of general circulation of the City, and the expense of such publication shall be borne by GRANTEE.
- C. This ordinance shall not become effective until it has been accepted by GRANTEE and until the expiration of sixty (60) days following the date of its final adoption.
- D. The City Secretary is authorized and directed to make appropriate endorsements over his official hand and the seal of the City of Laredo in the attached Exhibit "B", thereby endorsing the following:
 - 1. The dates upon which this ordinance shall have been read at three separate regular meetings of the City Council and the date of final passage of this ordinance: and
 - 2. The dates upon which the full text of this ordinance shall have been published for three times and the name and address of the daily newspaper in which such publications were had in the City of Laredo; and the date upon which this ordinance shall take effect.

Section 22. Severability

If any, provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstance, except for section 5 herein, is for any reason held to be unconstitutional, void, invalid or for any reason unenforceable, the validity of the remaining portion of this ordinance or its application to other person or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Laredo in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity, and all provisions are declared severable for that purpose.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE 3rd DAY OF MAY 2004.

Elizabeth G. Flores
Mayor

ATTEST:

Gustavo Guevara, Jr.
City Secretary

APPROVED AS TO FORM:
Jaime L. Flores

City Attorney

By: _____
Valeria M. Acevedo
Assistant City Attorney

Applicant, for itself and its successors hereby accepts the above and foregoing Franchise Ordinance and agrees to be bound by all of its terms and provisions.

Manuel Batista
President

STATE OF TEXAS §
 §
COUNTY OF WEBB §

EXECUTED under my hand and official seal of the City of Laredo in the said City this the

day of _____, 2004.

(SEAL)

Bautista Franchise Exhibit A

SERVICE RATES

Container Size	Set up Fee	Per Pick-up Fee	Monthly Rate	Per Ton Charge
15 Yards	\$ 25.00	\$ 62.50	\$ 20.00	\$ 30.00
30 Yards	\$ 25.00	\$ 90.00	\$ 20.00	\$ 30.00

Front Loader Containers Prices

Size	1 Pickup	2 Pickup	3 Pickup
2 Yards	\$42.p/month	\$74.p/month	\$105p/month
4 Yards	\$75.p/month	\$124.p/month	\$170.p/month
8 Yards	\$105.p/month	\$165.p/month	\$235.p/month
10 Yards	\$125.p/month	\$210.p/month	293.p/month

Tax is not included on theres prices

EXHIBIT "A"

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: FINAL READING OF ORDINANCE NO. 2004-O-088 Amending Section 24-94, of the <i>Laredo Land Development Code</i> , in order to revise the established standards and procedures governing the issuance of Conditional Use Permits; providing for publication and effective date. LLDC(I)c-01c-2004
INITIATED BY: Staff	STAFF SOURCE: Keith Selman, Planning Director Cynthia Collazo, Asst. City Manager
PRIOR ACTION: The item was introduced by Gene Belmares at the City Council meeting of 05/19/04.	
STAFF COMMENTS Staff proposes the revision of Laredo Land Development Code, Section 24-94, in the following manner: <ol style="list-style-type: none"> 1. <u>Laredo Land Development Code, Section 24.94.3, entitled General Contents of a Conditional Use Permit and Fees</u> The proposed amendment specifies that the required tax certificates shall be generated by the appropriate taxing entity. 2. <u>Laredo Land Development Code, Section 24.94.5, entitled Conditional Use Permit Application Submittal Criteria</u> The submittal criteria is amended such that sites zoned: A-G through RSM may now apply for conditional use status for uses allowed in zones up to B-1; R-2 through R-O may now apply for conditional use status for uses allowed in zones up to B-3; B-1 through B-4 may now apply for conditional use status for uses allowed in zones up to M-1; M-1 through M-2 may now apply for conditional use status for uses allowed in zones up to MXD. The submittal criteria are also amended such that all the following are proposed for inclusion: <ul style="list-style-type: none"> • Application for Conditional Use Permit is prohibited if the existing underlying zoning requires a Special Use Permit for the proposed use. • Any Conditional Use Permit authorized for a use, normally requiring a Special Use Permit in any district, must conform at a minimum with the performance standards required of that Special Use Permit. • The use and site plan for the proposed conditional use shall conform, at a minimum, with all applicable provisions of the Land Development Code for the existing underlying zoning designation, including but not limited to: <ul style="list-style-type: none"> • Site Development Standards. All parking, landscaping, signage, improvement and dimensional standards. • Zoning Districts Standards. The purpose of the zoning district in which the proposed conditional use is to be located and any standards applicable to the particular proposed use. • Conditional use status may only be authorized for proposed use. Application for conditional use status is prohibited for the purpose of deviation from any applicable development standards normally required by the existing underlying zoning, including, but not limited to signage, landscaping, parking, paving or dimensional requirements. 	
Comments continued....	
P&Z COMMISSION RECOMMENDATION: The P & Z Commission, in a 9 to 0 vote, recommended approval of the ordinance amendment.	STAFF RECOMMENDATION: Staff <u>supports</u> the proposed amendment.

COUNCIL COMMUNICATION

Staff Comments Continued...

- Existing or previously legal-nonconforming structures may apply for conditional use status and are not limited by conditional use permit application parameters as stipulated in Sections 24.94.5.1 through 24.94.5.4 and 24.94.5.9.
 - Conditional use status may be sought if the site has a non-conforming use which has been in existence for ten (10) or more years.
 - Conditional use status may not be sought for uses requiring less intense zoning designation than that which currently exists on site
3. Laredo Land Development Code, Section Section 24.94.6, entitled Conditional Use Permit Review Standards:
The review criteria will be amended such that the conformance to code criteria is removed from its current location in this section and is included in the above section, entitled Conditional Use Permit Application Submittal Criteria
 4. Laredo Land Development Code, Section Section Section 24.94.10, entitled Expiration of Conditional Use Permit Approval
Staff proposes the elimination of this section as new revocation procedures are now outlined in section 24.94.10, entitled Revocation.
 5. Laredo Land Development Code, Section 24.94.10, entitled Revocation
Revocation procedures are outlined such that a zoning officer, upon discovery of CUP noncompliance, will first issue a warning, then a citation. If the citation then results in a court finding of noncompliance, the City will consider the permit revoked and remove it from the official zoning map. The applicant will be notified of the permit's revocation.
 6. Laredo Land Development Code, Section 24.94.12, entitled Discontinuance
Staff proposes the elimination of this section as the newly included revocation procedures make this section redundant.

CITY OF LAREDO ORDINANCE NO. 2004-O-088

AMENDING SECTION 24-94, OF THE *LAREDO LAND DEVELOPMENT CODE*, IN ORDER TO REVISE THE ESTABLISHED STANDARDS AND PROCEDURES GOVERNING THE ISSUANCE OF CONDITIONAL USE PERMITS; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the Laredo Land Development Code currently provide guidelines regarding Conditional Use Permit application procedures, review criteria, and approval standards; and,

WHEREAS, the revision of said procedures, review criteria, and approval standards has been deemed necessary and appropriate; and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **approval** of the ordinance; and,

WHEREAS, notice of the ordinance was advertised in the newspaper at least fifteen (15) days prior to the public hearing held before the City of Laredo City Council on this matter; and,

WHEREAS, the City Council has held a public hearing on April 19, 2004, on the item and finds the ordinance appropriate and consistent with the General Plan of the City of Laredo.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: Section 24-94 of the Laredo Land Development Code be and is hereby amended as follows:

SECTION 24-94

CONDITIONAL USE PERMIT PROCEDURES

Section 24.94.1 General

Conditional uses are those land uses which are not permitted by a site's current zoning designation, but are generally compatible with the surrounding land uses, and are authorized by the issuance of a Conditional Use Permit pursuant to the criteria and procedures described by this section.

Conditional uses require site review of their location, design, intensity, density, configuration, and operating characteristics, and may require the imposition of

appropriate conditions, in order to ensure compatibility of the use to its particular location and mitigate its potentially adverse impact on the surrounding area.

Section 24.94.2 Purpose

The purpose of a Conditional Use Permit is to provide for those land uses where additional regulation is necessary to protect the property and surrounding area. A Conditional Use Permit is primarily intended for property located in older sections of the City and is intended to promote development and/or redevelopment of such property which is consistent with the land use patterns of surrounding property. The City Council may grant a Conditional Use Permit where there is a finding based on testimony received at the public hearing that the applicant is willing and able to mitigate any negative effects of the proposed use.

Section 24.94.3 General Contents of a Conditional Use Permit Application and Fees

Any applicant requesting a Conditional Use Permit under the requirements of this section shall file with the City Planning Department an application for such permit with the appropriate fee. It shall be the applicant's responsibility to submit a complete application, which addresses the review criteria of this section.

All Conditional Use Permit applications shall contain, at a minimum, the following information:

- (A) A complete copy of a recorded deed conveying the proposed Conditional Use site to the person identified on the application as the owner.
- (B) Tax certificates, generated by the appropriate taxing entity, for the property indicating that all taxes are paid to date.
- (C) A site plan of the subject property, showing existing and proposed features, buildings, roads, alleys, utilities, etc. which are relevant to review of the conditional use application. Current land use of properties on all sides of the property and across streets and alleys.
- (D) The name, address, and telephone numbers of all owners, applicants, and representatives.
- (E) The certificate and/or articles of incorporation shall be required of properties owned by business entities.

Supplementary Information

The Planning Director may request any information of the applicant as is necessary to evaluate the impacts of the conditional use application. Examples of the information

which may be requested are elevations of the proposed new or remodeled structures, analysis of the traffic impacts of the proposed use, or evaluation of the environmental impacts of the proposed use.

Fees for conditional use permits shall be as listed in Appendix B-3 of the Laredo Land Development Code.

Section 24.94.4 Process

The processing of a Conditional Use Permit application shall follow the administrative procedures set forth for amendment of the zoning map in Section 24-92 of the Laredo Land Development Code.

Section 24.94.5 Conditional Use Permit Application Submittal Criteria

A. All Conditional Use Permit applications must conform to all of the following parameters and criteria:

~~A.~~ Conditional Use Application parameters:

1. Applications for properties currently zoned A-G R-S, R-1, R-1A, R-1-MH, or RSM may only seek conditional use status for those uses permitted by zones R-S, R-1, R-1A, R-1-MH, RSM, R-2, R-3, or R-O or B-1 of higher intensity.
2. Applications for properties currently zoned ~~residentially,~~ R-2, R-3, or R-O, may only seek conditional use status for those uses permitted by ~~any residential zones,~~ R-3, R-O, B-1 or B-3 of higher intensity or a B-1 designation.
3. Applications for properties currently zoned ~~commercially,~~ B-1, B-1R, CBD, B-3, or B-4 may only seek conditional use status for those uses permitted by ~~any commercial zones~~ B-1R, CBD, B-3, B-4 or M-1 of higher intensity.
4. Applications for properties currently zoned ~~industrially~~ M-1, or M-2, may only seek conditional use status for those uses permitted by ~~any manufacturing zones~~ M-2 or MXD of higher intensity.

B5. The site of the proposed conditional use or any improvements thereon are not in violation of any local, state, or federal law (other than zoning violation).

~~C.~~ The City Council has not approved or denied any zone change or Conditional Use Permit request for the subject property within the last six months of the current CUP request submittal date.

6. Application for Conditional Use Permit is prohibited if the existing underlying zoning requires a Special Use Permit for the proposed use.

7. Any Conditional Use Permit authorized for a use, normally requiring a Special Use Permit in any district, must conform at a minimum with the performance standards required of that Special Use Permit.
8. The use and site plan for the proposed conditional use shall conform, at a minimum, with all applicable provisions of the Land Development Code for the existing underlying zoning designation, including but not limited to:
 - 1a. Site Development Standards. All parking, landscaping, signage, improvement and dimensional standards.
 - 2b. Zoning Districts Standards. The purpose of the zoning district in which the proposed conditional use is to be located and any standards applicable to the particular proposed use.
9. Conditional use status may only be authorized for proposed use. Application for conditional use status is prohibited for the purpose of deviation from any applicable development standards normally required by the existing underlying zoning, including, but not limited to signage, landscaping, parking, paving or dimensional requirements.
10. Existing or previously legal-nonconforming structures may apply for conditional use status and are not limited by conditional use permit application parameters as stipulated in Sections 24.94.5.1 through 24.94.5.4 and 24.94.5.9.
11. Conditional use status may be sought if the site has a non-conforming use which has been in existence for ten (10) or more years.
12. Conditional use status may not be sought for uses requiring less intense zoning designation than that which currently exists on site.

Section 24.94.6 Conditional Use Permit Review Standards:

An application for a Conditional Use shall comply with the following standards:

A. Suitability

The characteristics of the proposed site are suitable for the proposed use considering the size, shape, location, topography and location of improvements and natural features.

B. Timeliness

The proposed use and/or development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the proposed use.

C. Compatibility to Surrounding Area

The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed as allowable by the underlying zoning district.

D. Comprehensive Plan

The proposed use satisfies any applicable goals and policies of the Comprehensive Plan, which apply to the proposed use.

E. Overlay Status

The proposed Conditional Use Permit is the only zoning overlay on that site.

F. Master Plan

The proposed use is consistent with any approved Master Plan for that area.

~~G. Conformance to Code~~

~~The use shall conform to all other applicable provisions of this Land Development Code, including but not limited to:~~

- ~~1. Zoning Districts Standards. The purpose of the zone district in which it is located, the dimensions standards of that zone district, and any standards applicable to the particular use.~~
- ~~2. Site Development Standards. The parking, landscaping, signage, and improvement standards.~~

HG. Use Appropriate and Compatible

The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.

HH. Traffic

The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measure shall be proposed by the applicant.

JI. Nuisance

The operating characteristics of the use shall not create a nuisance and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare, and any other similar conditions.

KJ. Environment

The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

Section 24.94.7 Authorization to Impose Conditions

The Planning and Zoning Director and Commission may recommend, and the Council may impose such conditions as are necessary to maintain the integrity of the City's zoning districts, to ensure the conditional use is consistent with the City's Comprehensive Plan, conforms with the Land Development Code, is appropriate to it's location and compatible with neighboring uses, and does not cause undue traffic congestion or significant deterioration of the environment.

All requirements imposed by a Conditional Use permit are in addition to and supplement land development code requirements.

Authorized conditions include, but are not limited to:

(A) Site Plan Features

Limitations or requirements regarding the area, setbacks, open space, landscaping, buffering, lighting, fencing, signage, off-street parking, and similar site plan features of the proposal.

(B) Operations

Limitations or requirements regarding the conditional use's operating characteristics, duration or any similar feature of the conditional use.

(C) Duration

In the event Council limits the duration of a conditional use permit, a six month grace period, starting from the Council's final approval date, shall be afforded the applicant, over and above that time period stipulate by Council.

Section 24.94.8 Amendment To An Approved Conditional Use Permit

Any change to an approved conditional use permit, other than those changes that qualify as insubstantial pursuant to Section 24.94.9 of this article, will require amendment of the existing conditional use permit.

Amendment of an approved conditional use permit may only be authorized by the City Council pursuant to the administrative procedures set forth in Section 24.92 of the Laredo Land Development Code governing the amendment of the zoning map.

Section 24.94.9 Insubstantial Changes To An Approved Conditional Use Permit

The Planning and Zoning Director may approve insubstantial changes to a previously approved conditional use permit.

An insubstantial change is one that becomes necessary during the use's actual implementation, which could not be reasonably anticipated during it's review by the City Council and one that the Planning and Zoning Director determines does not significantly change the original approval granted.

An amendment to any of the following Conditional Use Permit requirements may not be considered insubstantial:

- (A) Use - those activities allowed on site by the Conditional Use Permit.
- (B) Operational Characteristics - the gross limitations or requirements regarding the conditional use's operating characteristics.
- (C) Site Plan Features - the gross limitations or requirements regarding the area, setbacks, open spaces, landscaping, buffering, lighting, fencing, signage, or the off-street parking of the proposal.
- (E) Duration - Requirements governing the duration of the permit.
- (F) Permit Holder - Requirements regarding the person or entity to whom the permit is issued.

~~Section 24.94.10 Expiration of Conditional Use Permit Approval~~

~~If the use for which the Conditional Use Permit was authorized does not commence within six months of City Council's final approval date, the Conditional Use Permit approval shall expire.~~

Section 24.94.11 10 Revocation

1. Criteria

~~The Any Conditional Use Permit, authorized by City Council, shall be considered in noncompliance and shall be revoked and removed from the City of Laredo Zoning Map, in the event a court of law finds the use in violation should the conditionally permitted use exhibit any of any of the following conditions:~~

- A. ~~The use established on site does not conform, at any time, with to any or all permit condition(s) approved by the Council and or any local, state or federal law.~~
- B. ~~The activity authorized by the Conditional Use Permit commences prior to the institution of all conditions imposed by the Conditional Use Permit.~~
- C. ~~The applicant fails to comply at any time during the Permit's duration with all the conditions imposed by the Conditional Use Permit.~~
- C. Discontinuance of the Council approved conditional use for a period of six (6) consecutive months.
- D. The use for which the Conditional Use Permit was authorized does not commence within six months of City Council's final approval date.

2. Procedures

Should City of Laredo Zoning Enforcement Official inspection reveal noncompliance with Laredo Land Development Code, Subsection 24.94.10, Conditional Use Permit revocation procedures shall commence as below stipulated:

- A. A Zoning Officer shall, upon discovery of conditonal use permit noncompliance as per Subsection 24.94.10, issue a written warning, granting a grace period of a minimum of ten (10) working days, within which time the use may be brought into compliance with the current City Council approved Conditional Use Permit for that location.
- B. If noncompliancce persists after the conclusion of the warning grace period, a Zoning Enforcement Official shall issue written citation.

C. Should the citation result in a guilty verdict, the City of Laredo shall consider the Conditional Use Permit revoked and proceed with its removal from the City of Laredo Zoning Map.

D. The Planning Director shall then issue the permit holder written notification of the Conditional Use Permit's official revocation and removal from the City of Laredo Zoning Map.

E. In the event of discontinuance or failure to commence as stipulated in Subsection 24.94.10.1.D and E of the this Ordinance, Zoning Enforcement Staff will issue written notification of same. Ten days after issuance of Zoning Enforcement notification of discontinuance or failure to commence, the Planning Director shall then issue the permit holder written notification of the Conditional Use Permit's official revocation and removal from the City of Laredo Zoning Map.

Section 24.94.12 Discontinuance

~~Discontinuance of a conditional use for a period of six (6) consecutive months shall render the conditional use permit null and void.~~

Section 24.94.13 11 Transferability

A Conditional Use Permit shall be transferable only with the approval of the City Council, and shall be subject to all conditions of the initial approval, and such other conditions as the City Council may require.

Section 24.94.14 12 Board of Adjustment

The Board of Adjustment shall have no authority to grant any variance to any aspect of any Conditional Use Permit duly authorized by the City Council.

Section 2: This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

Section 3: This ordinance shall become effective as and from the date of publication specified in Section 2.

Section 4: Severability

If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any

unconstitutionality, voidness or invalidity of another portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 5: Open Meetings

The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the city hall of the City for the time required by law preceding this meeting, as required by the Open Meeting Act, Texas Government Code Sect. 551.001 ET. AT.; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter approves and confirms such written notice and the contents and posting hereof.

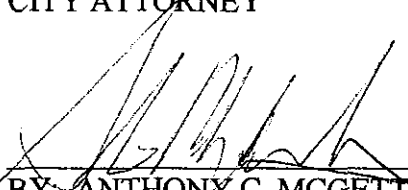
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME FLORES
CITY ATTORNEY



BY: ANTHONY C. MCGETTRICK
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

Date: 05/03/04	SUBJECT: FINAL READING OF ORDINANCE NO. 2004-O-089 Amending the Zoning (Map) of the City of Laredo by amending Ordinance No. 2002-O-058 authorizing the issuance of a Conditional Use Permit to David Richter for a concrete batch plant on 5.00 acres, as further described by metes and bounds in attached Exhibit "A", located on the west side of Hwy. 83 and north of Masterson Rd., by extending the terms of the permit 2 more years; providing for publication and effective date. ZC-03b-2004
Initiated by: David Richter	Staff source: Keith Selman, Planning Director Cynthia Collazo, Asst. City Manager
Prior action: On April 24th, 1995, Ordinance No. 95-O-100 authorized the issuance of the original Conditional Use Permit to expire in four years. On October 26th, 1998, Ordinance No. 98-O-254 amended the original ordinance by renewing it for two years, to expire on April 15, 2000. Ordinance No. 2000-O-011, approved on January 17, 2000, once again renewed the permit for another two years, expiring on April 15, 2002. Ordinance 2002-O-058, finalized on 04/01/02, renewed the permit for another two years, to expire on 04/15/04. On February 19, 2004, the Commission recommended denial of the presently proposed permit renewal. On March 4, 2004, the Commission approved reconsideration and replacement of the item on the March 18, 2004 agenda. This item was introduced by John C. Galo at the City Council meeting of 04/19/04.	
BACKGROUND Council District: III - John Galo Proposed use: Concrete batch plant Site: The site is currently occupied by a concrete batch plant. Surrounding land uses: North of the site is Hellums Services Inc. and Fleetwood Manufactured Homes Sales. East of the site is Hwy. 83 and a large area of vacant undeveloped land. South of the site is a vacant area, a vacant shed, a manufactured home, and Amistad Manufactured Home Sales. West of the site is vacant and undeveloped. Comprehensive Plan: The Future Land Use Map recognizes this area as Retail/Office. Transportation Plan: The Long Range Thoroughfare Plan identifies Hwy. 83 as a Major Arterial and a Truck Route. Letters sent to surrounding property owners: 3 In Favor: 2 Opposed: 0	
STAFF COMMENTS The proposed Conditional Use Permit renewal is inappropriate. The Comprehensive Plan recognizes this area as Retail/Office and there are several large residential areas in the vicinity, including the Riverhill, Santa Fe, Santa Rita, Los Angeles, Las Palmas, El Eden, Lamrick, and Los Obispos Subdivisions. Should the Commission or Council approve the extension of the permit, Staff recommends the permit be extended no more than 2 years from final approval date. The only previously approved conditions of the permit are as follows: 1. The Conditional Use Permit is issued to Laredo Ready Mix, and is nontransferable. 2. Previous permit renewed for 2 years, from 04/15/02 to 04/15/04.	
P&Z COMMISSION RECOMMENDATION: The P & Z Commission, in a 6 to 2 vote, recommended approval of the proposed CUP renewal.	STAFF RECOMMENDATION: Staff <u>does not support</u> the proposed zone Conditional Use Permit renewal.

CITY OF LAREDO ORDINANCE NO. 2004-O-089

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY AMENDING ORDINANCE NO. 2002-O-058, AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO DAVID RICHTER FOR A CONCRETE BATCH PLANT ON 5.00 ACRES, AS FURTHER DESCRIBED BY METES AND BOUNDS IN ATTACHED EXHIBIT "A", LOCATED ON THE WEST SIDE OF HWY. 83 AND NORTH OF MASTERSON RD., BY EXTENDING THE TERMS OF THE PERMIT 2 MORE YEARS; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, a request has been received to amend Ordinance No. 2002-O-058, authorizing the issuance of a Conditional Use Permit to David Richter for a concrete batch plant on 5.00 acres, as further described by metes and bounds in attached Exhibit "A", located on the west side of Hwy. 83 and north of Masterson Rd., by extending the terms of the permit 2 more years; and,

WHEREAS, the required written notices were sent to surrounding property owners at least ten (10) days before the public hearing held before the Planning and Zoning Commission on March 18, 2004; and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **approval** of the Conditional Use Permit; and,

WHEREAS, notice of the zone change request was advertised in the newspaper at least fifteen (15) days prior to the public hearing held before the City of Laredo City Council on this matter; and,

WHEREAS, the City Council has held a public hearing on April 19, 2004, on the request and finds the Conditional Use Permit amendment appropriate and consistent with the General Plan of the City of Laredo.

WHEREAS, all conditions imposed by the Conditional Use Permit, and all pertinent requirements the Laredo Land Development Code shall be met before the activity sanctioned by the Conditional Use Permit may commence.

WHEREAS, the City Council does not consider the impact, if any, of private covenants and deed restrictions on the subject property with the adoption of this ordinance; and,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The Zoning Map of the City of Laredo be and is hereby amended by authorizing the amendment of Ordinance No. 2002-O-058, authorizing the issuance of a Conditional Use Permit to David Richter for a concrete batch plant on 5.00 acres, as further described by metes and bounds in attached Exhibit "A", located on the west side of Hwy. 83 and north of Masterson Rd., by extending the terms of the permit 2 more years.

Section 2: The Conditional Use Permit is further restricted to the following provision herewith adopted by the City Council:

1. The Conditional Use Permit is issued to Laredo Ready Mix, and is nontransferable.
2. The permit is renewed for 2 years, from 04/15/04 to 04/15/06.

Section 3: This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

Section 4: This ordinance shall become effective as and from the date of publication specified in Section 3.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE
_____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

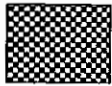
ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME FLORES
CITY ATTORNEY



BY: ANTHONY C. MCGETTRICK
ASSISTANT CITY ATTORNEY



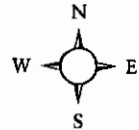
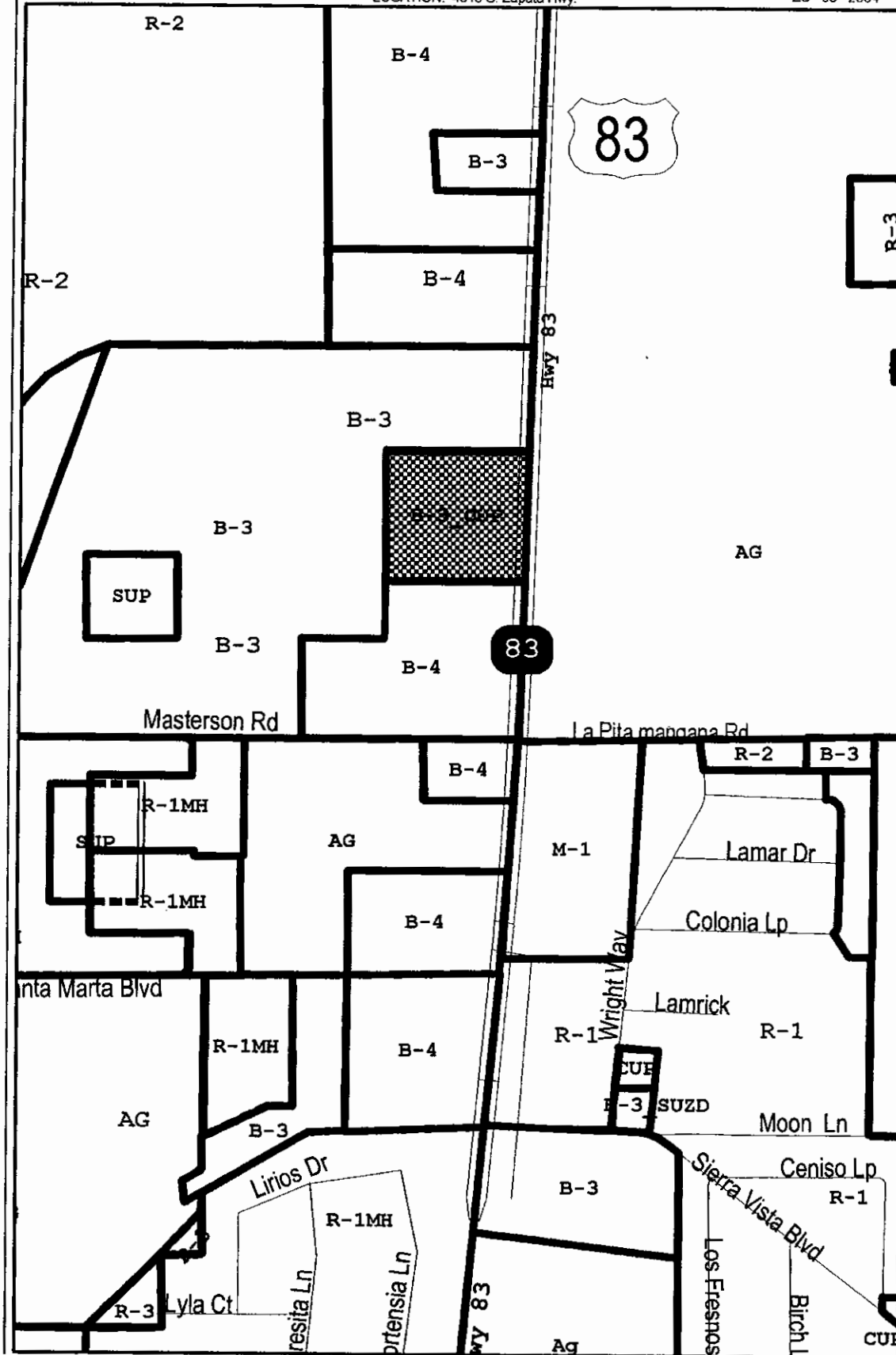
Request for a B-3 C.U. P.
(Community Business District and
Conditional Use Permit)

LOCATION: 4318 S. Zapata Hwy.

ZC - 03 - 2004

City of Laredo
Planning Department
Feet

500



City of Laredo
Zoning Map



SURVEY PLAT
5. ACRES OUT OF FRANCIS J. RICHTER TRACT
SURVEY 2149
WILCOX COUNTY, TEXAS
Scale: 1" = 100'

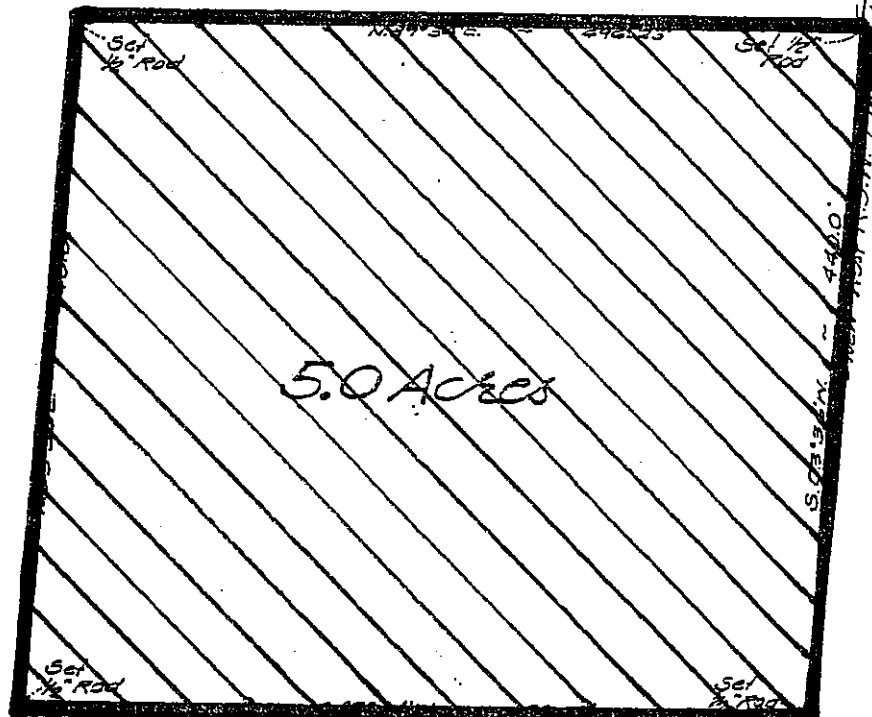
Kyle Ervin
N 87° 34' E

TO LAMARCO

Found $\frac{3}{4}$ " Rod

Francis J. Richter

103° 36' N - 217.97'
U.S. 83



Hwy. U.S. 83

Found $\frac{3}{4}$ " Rod
802.85 Feet

FIELD NOTES FOR 5.0000 ACRE TRACT

Being 5.0000 acres of land, more or less, situated in the City of Laredo, Webb County, Texas, being out of and a part of the original Richter 119.3 acre tract of land lying and being in Survey 2149, Abstract 594, Certificate 1526, Original Grantee, R. H. Rains, in Webb County, Texas as conveyed by Francis J. Richter, et. ux., to Francis Richter Farm Partners, by deed dated December 27, 1991 and recorded in Certificate 461137 of the Real Property Records of Webb County, Texas, said 5.0000 acres of land, more or less, being more particularly described by metes and bounds as follows:

COMMENCING at intersection point between the North Line of the of the mentioned Richter 119.3 acre tract and the West ROW Line of US Hwy 83, THENCE South 01°34'00" East, a distance of 222.03 feet, along the West ROW Line of US Hwy 83 to a found 3/8" iron rod, THENCE South 03°36'00" West, a distance of 217.97 feet, continuing along the West ROW Line of US Hwy 83 to a set 1/2" iron rod and the POINT OF BEGINNING of this 5.0000 acre tract of land;

- (1) THENCE, South 03°36'00" West, along the West ROW Line of US Hwy 83, same being the East Line of this 5.0000 acre tract, a distance of 440.00 feet to a 1/2" iron rod set for the Southeast corner hereof;
- (2) THENCE, South 89°34'00" West, along the South Line of this 5.0000 acre tract, a distance of 496.23 feet to a set 1/2" iron rod for the Southwest corner hereof;
- (3) THENCE, North 03°36'00" East, along the West Line of this 5.0000 acre tract, a distance of 440.00 feet to a 1/2" iron rod set for the Northwest corner hereof;
- (4) THENCE, North 89°34'00" East, along the North Line of this 5.0000 acre tract, a distance of 496.23 feet to the POINT OF BEGINNING, and containing 5.0000 acres of land, more or less.

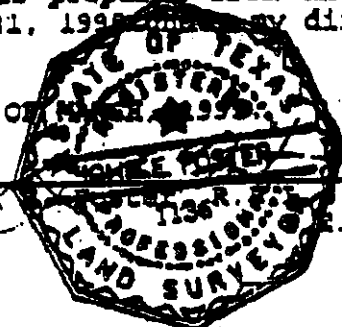
Note: Basis of bearings taken from TxDOT US-Hwy-83 ROW Survey.
The East Line of this 5.0000 acre tract having a bearing of South 03°36'00" West.

STATE OF TEXAS
COUNTY OF WEBB

I, John M. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on March 20-21, 1998, in my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 22ND DAY OF MARCH 1998.

John

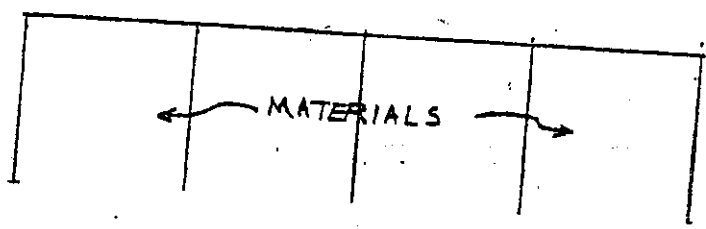


#1136
#15851

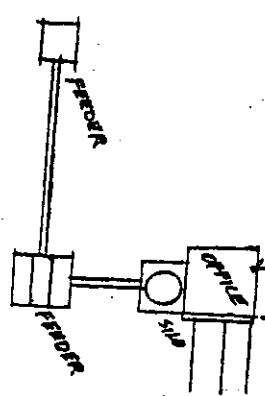
File: JAVA-8.90

5.0 Acres Tract
 Out of
 FRANCIS J. RICHTER TRACT Survey 2149
 WEBB COUNTY, TEXAS

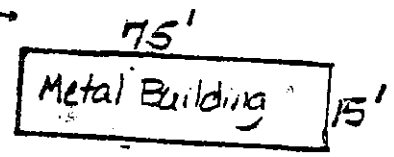
496.23'
 5892.34'W



PAVED AREA



PAVED AREA



440.0'
 503° 36'W

50' 40' ENT.

40' ENT.

FUTURE
 FC
 TPA/AL 1111

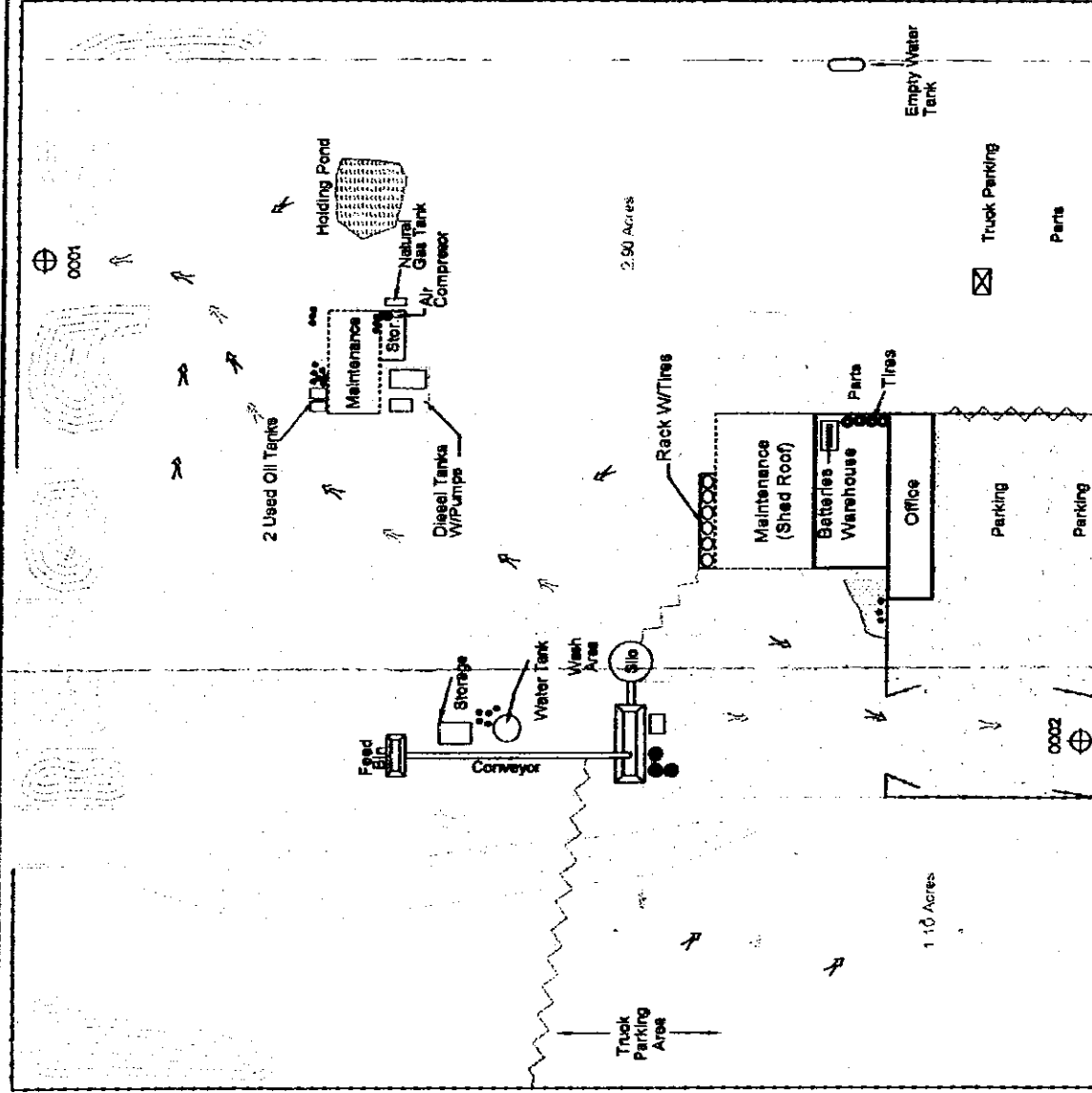
Hwy. U. S. 83

LEGEND	
	Gravel Pile
	Waste Material Pile
	Storm Water Runoff
	Waste Water Runoff
	Storm & Waste Water Outfall 0001
	Storm & Waste Water Outfall 0002
	Fence
	Dumpster
	Paving
	Grass
	Division of Storm Water Percentage Flow
	Oil Drums
	Additives



Approx. 4.00 Acres

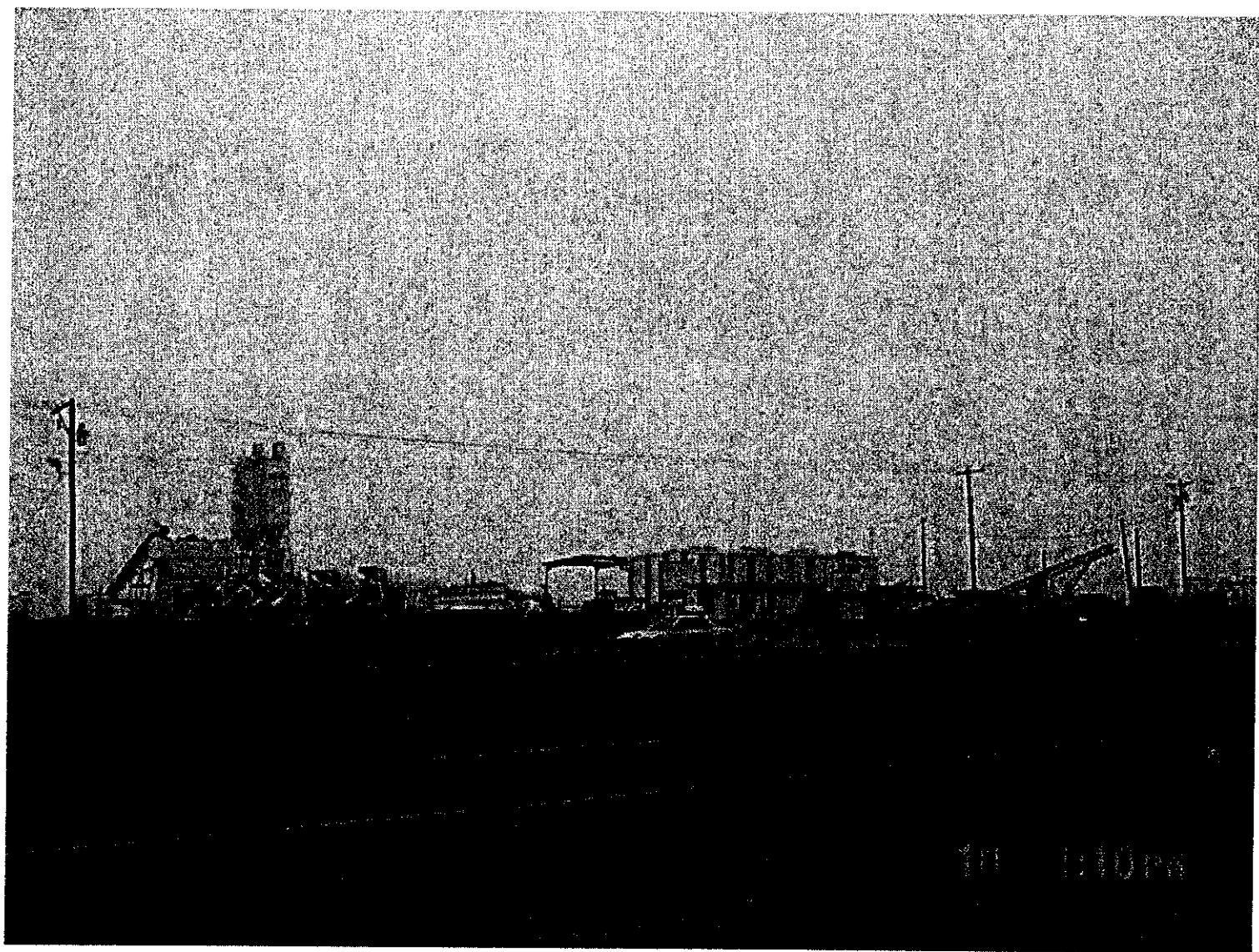
Lat: 27° 27' 13" N
Lon: 99° 28' 40" W



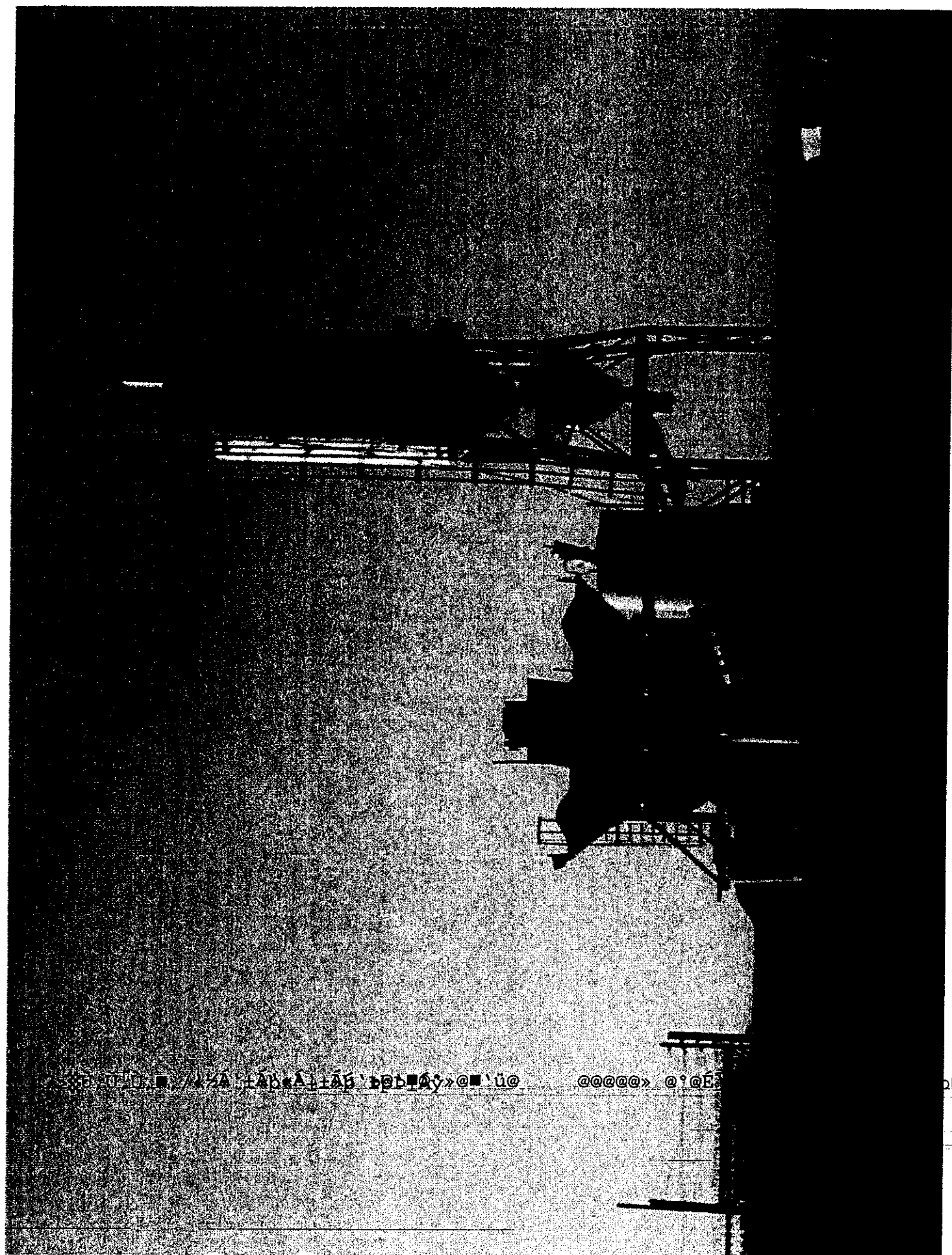
Laredo Ready Mix, Inc.
18 S Zapata Hwy

Prepared by:

BS Environmental.



ZC-03-04



COUNCIL COMMUNICATION

Date: 05/03/04	SUBJECT: FINAL READING OF ORDINANCE NO. 2004-O-090 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 13.18 acres, as further described by metes and bounds in attached Exhibit "A", located northeast of Havana Dr., from AG (Agricultural District) to R-1 (Single Family Residential District); providing for publication and effective date. ZC-10-2004	
Initiated by: San Isidro Southeast, Ltd.		Staff source: Keith Selman, Planning Director Cynthia Collazo, Asst. City Manager
Prior action: This item was introduced by Gene Belmares at the City Council meeting of 04/19/04.		
BACKGROUND Council District: VI- Gene Belmares Proposed use: Residential Site: The site is currently vacant and undeveloped. Surrounding land uses: The area is surrounded by large vacant and undeveloped areas. Comprehensive Plan: The Future Land Use Map recognizes this area as Low Density Residential. Transportation Plan: The Long Range Thoroughfare Plan identifies International Blvd. as a Minor Arterial at this location. Letters sent to surrounding property owners: 1 In Favor: 0 Opposed: 0		
STAFF COMMENTS The proposed zone change is appropriate at this location. The proposed change is consistent with the area's approved masterplan, the Future Land Use Map, and the surrounding zoning.		
P&Z COMMISSION RECOMMENDATION: The P & Z Commission, in a 9 to 0 vote, recommended approval of the zone change.		STAFF RECOMMENDATION: Staff <u>supports</u> the proposed zone change.

COUNCIL COMMUNICATION

IMPACT ANALYSIS

R-1 (Single Family Residential District): The purpose of the R-1 District is to provide an area for residential uses and those public and semipublic uses normally considered an integral part of the neighborhood they serve.

Is this change contrary to the established land use pattern?

Though still somewhat sparse, the established land use pattern is residential to the west and south.

Would this change create an isolated zoning district unrelated to surrounding districts?

Yes, the adjoining zoning districts are AG, R-1 and R-1A.

Will change adversely influence living conditions in the neighborhood?

Yes, the established residential development is better served by a similar residential designation.

Are there substantial reasons why the property can not be used in accord with existing zoning?

Yes, the property is zoned agriculturally which allows only a limited number of agricultural uses.

CITY OF LAREDO ORDINANCE NO. 2004-O-090

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY REZONING 13.18 ACRES, AS FURTHER DESCRIBED BY METES AND BOUNDS IN ATTACHED EXHIBIT "A", LOCATED NORTHEAST OF HAVANNA DR., FROM AG (AGRICULTURAL DISTRICT) TO R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT); PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, a zone change has been requested by the owners of 13.18 acres, as further described by metes and bounds in attached Exhibit "A", located northeast of Havanna Dr., from AG (Agricultural District) to R-1 (Single Family Residential District); and,

WHEREAS, the required written notices were sent to surrounding property owners at least ten (10) days before the public hearing held before the Planning and Zoning Commission on March 18, 2004, and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **approval** of the proposed zone change; and,

WHEREAS, notice of the zone change request was advertised in the newspaper at least fifteen (15) days prior to the public hearing held before the City of Laredo City Council on this matter; and,

WHEREAS, the City Council has held a public hearing on April 19, 2004, on the request and finds the zone change appropriate and consistent with the General Plan of the City of Laredo; and,

WHEREAS, the City Council does not consider the impact, if any, of private covenants and deed restrictions on the subject property with the adoption of this ordinance; and,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The Zoning Map of the City of Laredo be and is hereby amended by rezoning 13.18 acres, as further described by metes and bounds in attached Exhibit "A", located northeast of Havanna Dr., from AG (Agricultural District) to R-1 (Single Family Residential District).

Section 2: This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

Section 3: This ordinance shall become effective as and from the date of publication specified in Section 2.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

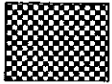
ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME FLORES
CITY ATTORNEY



BY: ANTHONY C. MCGETTRICK
ASSISTANT CITY ATTORNEY



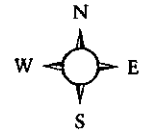
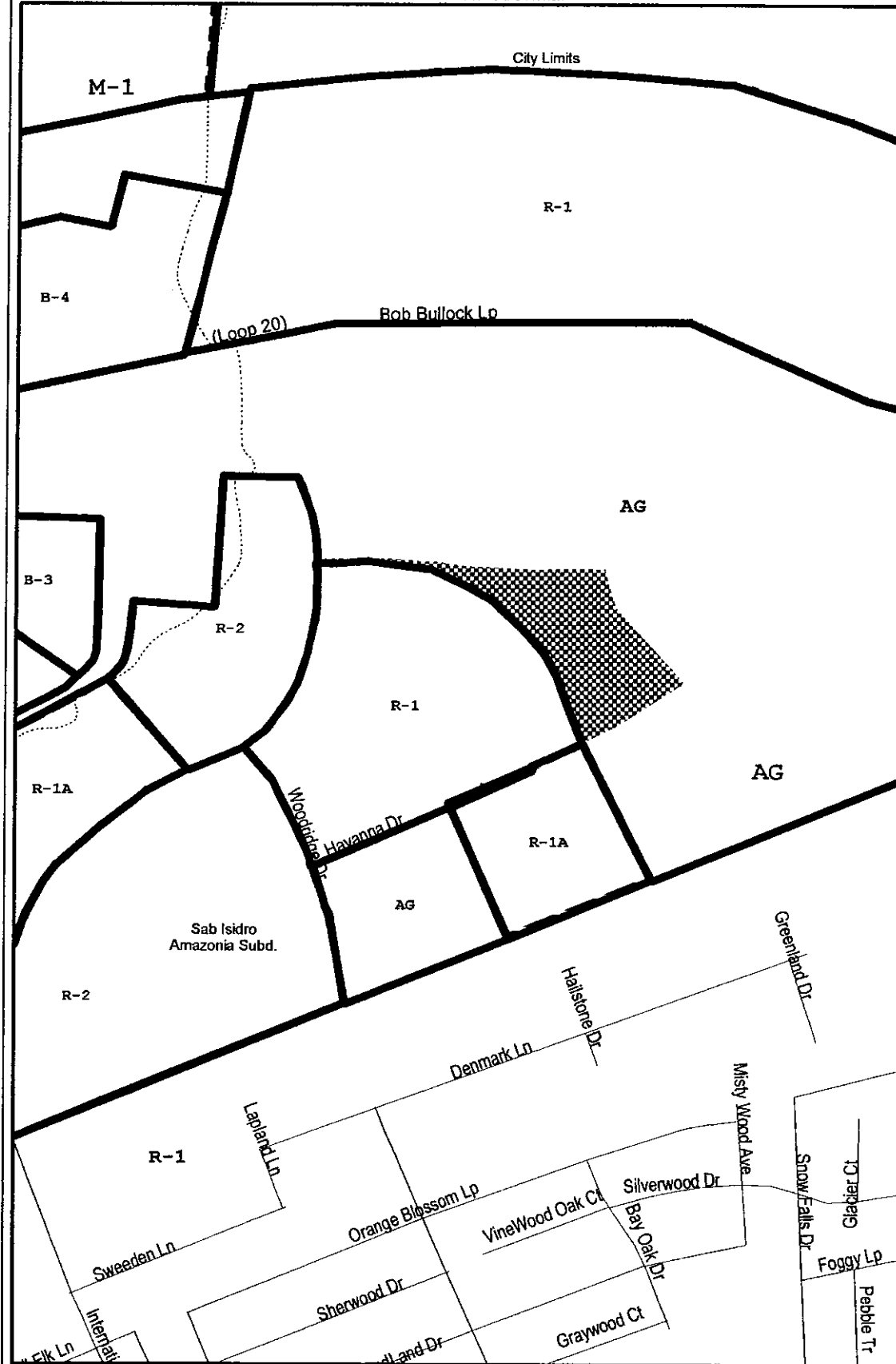
**Rezone from AG (Agricultural District)
To R-1 (Single Family Residential District)**

LOCATION: San Isidro Ranch

ZC - 10 - 2004

City of Laredo
Planning Department
Feet

700

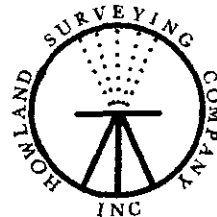


**City of Laredo
Zoning Map**



Howland Surveying Co., Inc. — DBA
HOWLAND
Engineering & Surveying Company

Oil and Gas Location Surveys * Boundary Surveys * City Lot Surveys * Engineering & Planning



**Re-Zone
AG to R-1
For a 13.18 Acre Tract of Land
Situated in Porcion 20
Webb County, Texas**

A 13.18 Acre Tract of Land, being out of a 325.789 acre tract of land lying in Webb county, Texas and being in Procion 20 and the northeast part of Survey No. 2415, which is more particularly described by metes and bounds in volume 1395, Page 85 of the Deed Records of Webb County. Situated in City of Laredo, Webb County, Texas. This 13.18-acre tract being more particularly described as follows:

Commencing at the most northern corner of Lot 1, Block 1, U.I.S.D.-San Isidro School Plat, recorded Vol. 23, Pgs. 58, Plat Records, Webb County, Texas; Thence *North 61 degrees 43 minutes 23 seconds East*, a distance of 678.76 feet to the **True Point of Beginning**;

Thence *North 23 Degrees 08 Minutes 39 Seconds West*, along the existing R-1/AG zone line a distance of 444.61 feet to a point of deflection hereof;

Thence *North 41 Degrees 37 minutes 06 seconds West*, along the existing R-1/AG zone line a distance of 383.88 feet to a Point of Deflection hereof;

Thence *North 49 Degrees 10 Minutes 46 Seconds West*, continuing along the existing R-1/AG zone line found in Zone Change 2003-0-178, city of Laredo, a distance of 292.84 feet to a point of deflection hereof;

Thence *North 64 Degrees 18 Minutes 04 Seconds West*, continuing along the existing R-1/AG zone line a distance of 300.14 feet to a point of deflection hereof;

Thence *North 88 Degrees 15 Minutes 15 Seconds West*, continuing along the existing R-1/AG zone line a distance of 124.89 feet to a point of deflection hereof;

Thence *North 01 Degrees 44 Minutes 45 Seconds East*, a distance of 54.70 feet to a point of deflection hereof;

Thence *South 43 Degrees 15 Minutes 15 Seconds East*, a distance of 21.21 feet to a point of deflection hereof;

Thence *South 88 Degrees 15 Minutes 15 Seconds East*, a distance of 150.00 feet to a point of deflection hereof;

Thence *South 01 Degrees 44 Minutes 45 Seconds West*, a distance of 20.21 feet to a point of deflection hereof;

Thence *South 85 Degrees 45 Minutes 45 Seconds East*, a distance of 73.20 feet to a point of deflection hereof;

Thence *South 77 Degrees 29 Minutes 44 Seconds East*, a distance of 265.14 feet to a point of deflection hereof;

Thence *South 80 Degrees 20 Minutes 07 Seconds East*, a distance of 65.20 feet to a point of deflection hereof;

Thence *South 84 Degrees 00 Minutes 20 Seconds East*, a distance of 65.45 feet to a point of deflection hereof;

Thence *South 87 Degrees 03 Minutes 27 Seconds East*, a distance of 64.01 feet to a point of deflection hereof;

Thence *South 88 Degrees 34 Minutes 36 Seconds East*, a distance of 397.63 feet to a point of deflection hereof;

Thence *North 87 Degrees 34 Mimtes 58 Seconds Ease*, a distance of 50.00 feet to a point of deflection hereof;

Thence *North 88 Degrees 16 Minutes 06 Seconds East*, a distance of 125.00 feet to a point of curvature for a non-tangent curve with a radius of 876.00 feet;

Howland Surveying Co., Inc. — DBA

HOWLAND Engineering & Surveying Company

Oil and Gas Location Surveys • Boundary Surveys • City Lot Surveys • Engineering & Planning



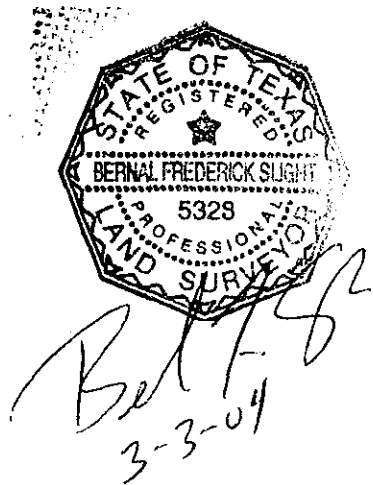
Thence along said curve, an arch length of 470.24 feet (Chord South 17 Degrees 06 Minutes 36 Seconds East ~ 464.61) to a point of tangency of said curve and exterior corner hereof;

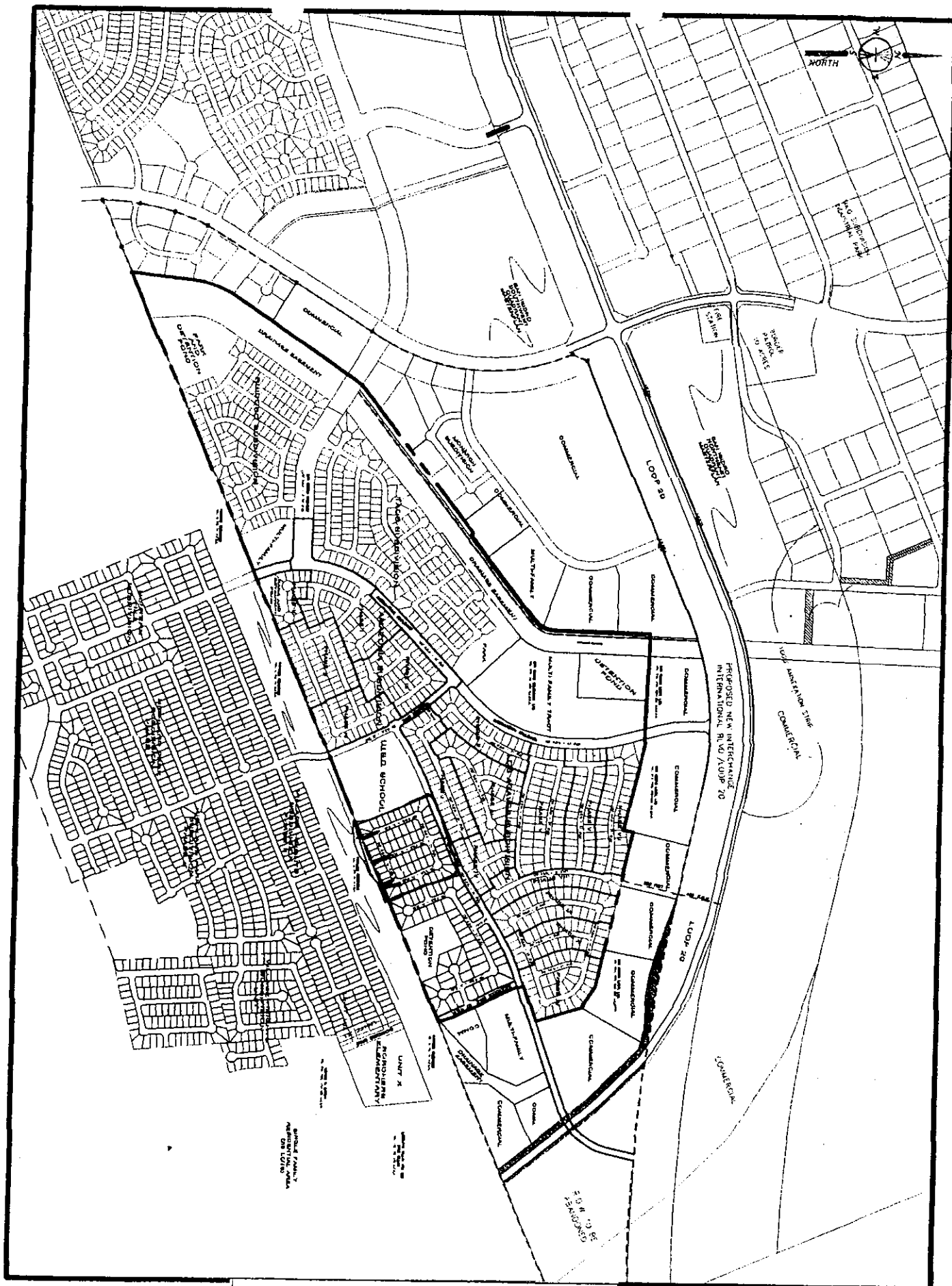
Thence South 32 Degrees 29 Minutes 18 Seconds East, a distance of 247.95 feet to a point of deflection hereof;

Thence South 57 Degrees 30 Minutes 42 Seconds West, a distance of 375.37 feet to a point of curvature for a tangent curve having a radius of 1470.00 feet;

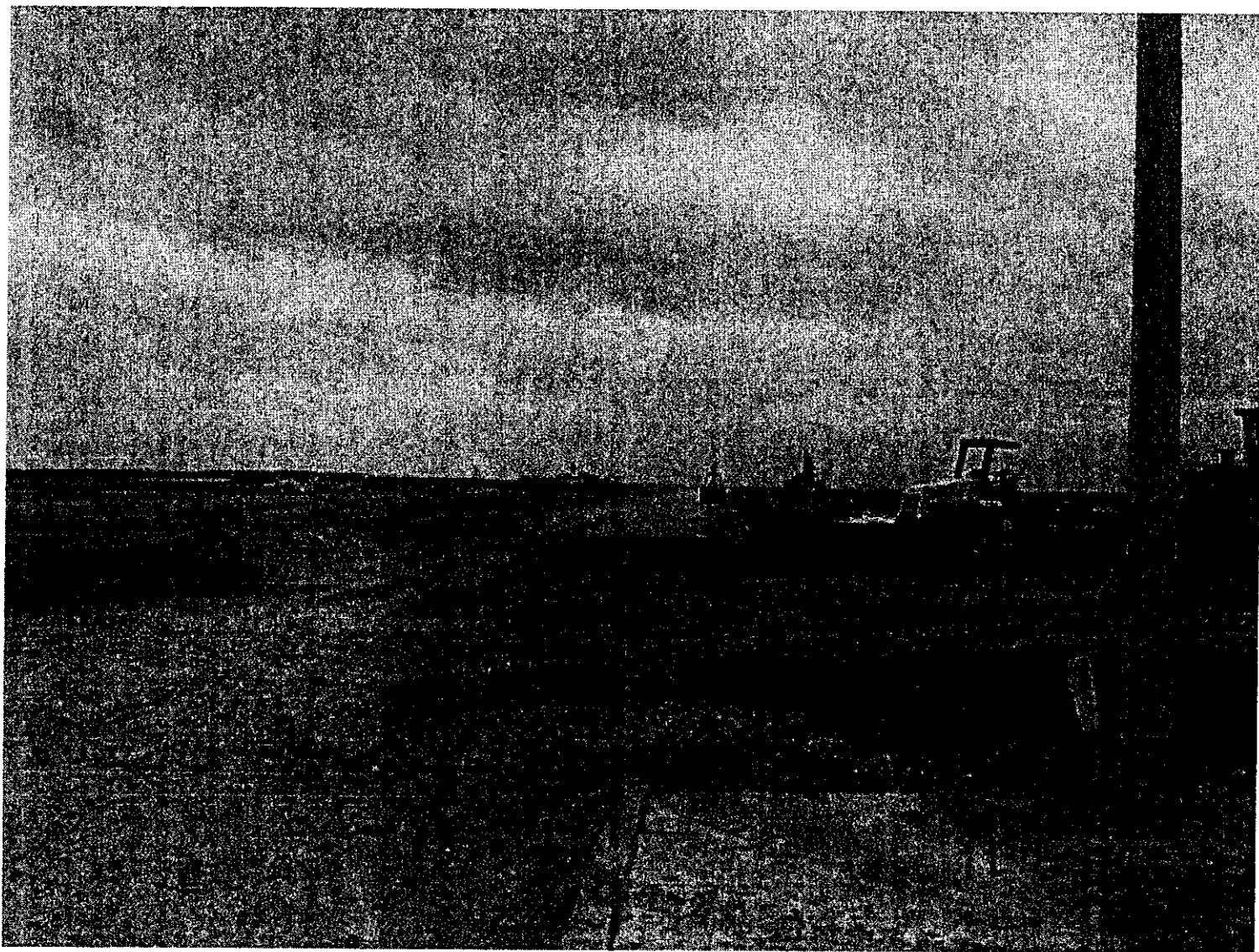
Thence along said curve, an arch length of 193.65 feet (Chord South 61 Degrees 17 Minutes 08 Seconds West ~ 193.51 feet) to the Point of Beginning and containing 13.18 acres more or less;

Basis of Bearing according to the U.I.S.D.-San Isidro School Plat, recorded in Vol. 23, Pages 58, Webb County Plat Records





SAN ISIDRO RANCH
SOUTHEAST QUADRANT
REVISED MASTER PLAN



ZC-10-2004

COUNCIL COMMUNICATION

Date: 05/03/04	SUBJECT: FINAL READING OF ORDINANCE NO. 2004-O-091 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 2.07 acres, as further described by metes and bounds in attached exhibit "A", approximately located south of Southgate Blvd. and east of Hwy. 83, from AG (Agricultural District) to B-3 (Community Business District); providing for publication and effective date ZC-12-2004	
Initiated by: Wyers Family Trust		Staff source: Keith Selman, Planning Director Cynthia Collazo, Asst. City Manager
Prior action: This item was introduced by Alfredo Agredano at the City Council meeting of 04/19/04.		
BACKGROUND Council District: I – Alfredo Agredano Proposed use: Commercial (no specific use given) Site: The site is vacant. Surrounding land uses: Southgate Blvd. and a vacant area lay to the north; U.S. Hwy 83, the Corrections Department South Office and Whataburger lay to the west, large vacant tracts lay to the east and a Border Patrol Station lays to the south of the site. Comprehensive Plan: The Future Land Use Map recognizes this area as Park/Recreation Open Space. Transportation Plan: The Long Range Thoroughfare Plan identifies Southgate Blvd as a Major Arterial and Hwy. 83 as a Major Arterial and a Truck Route. Letters sent to surrounding property owners: 4 In Favor: 1 Opposed: 0		
STAFF COMMENTS The proposed zone change is appropriate at this location. Though inconsistent with the Comprehensive Plan's designation for this area, the change is compatible with the surrounding zoning and land use pattern.		
P&Z COMMISSION RECOMMENDATION: The P & Z Commission, in an 8 to 0 vote, recommended approval of the zone change.		STAFF RECOMMENDATION: Staff <u>supports</u> the proposed zone change.

COUNCIL COMMUNICATION

IMPACT ANALYSIS

B-4 (Highway Commercial District): The purpose of the B-4 District is to provide for those businesses and services serving a regional area which are to be located primarily along principal (major) arterial streets or the freeway, as classified in the Transportation Plan of the City of Laredo. It is intended for this zoning classification to exist primarily along principal arterial streets or the freeway and to impose site development regulations to ensure adequate access of all uses within this classification.

Is this change contrary to the established land use pattern?

No, although the area in the vicinity of the site is still sparsely developed.

Would this change create an isolated zoning district unrelated to surrounding districts?

No, the adjoining zoning districts are AG, B-4 and B-3.

Will change adversely influence living conditions in the neighborhood?

The area abutting (east of Hwy. 83) this site is still very sparsely developed.

Are there substantial reasons why the property can not be used in accordance with existing zoning? No, although alternative zoning designations may allow more compatible uses the commercial nature of Hwy 83.

CITY OF LAREDO ORDINANCE NO. 2004-O-091

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY REZONING 2.07 ACRES, AS FURTHER DESCRIBED BY METES AND BOUNDS IN ATTACHED EXHIBIT "A", APPROXIMATELY LOCATED SOUTH OF SOUTHGATE BLVD. AND EAST OF HWY. 83, FROM AG (AGRICULTURAL DISTRICT) TO B-3 (COMMUNITY BUSINESS DISTRICT); PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, a zone change has been requested by the owners 2.07 acres, as further described by metes and bounds in attached exhibit "A", approximately located south of Southgate Blvd. and east of Hwy. 83, from AG (Agricultural District) to B-3 (Community Business District); and,

WHEREAS, the required written notices were sent to surrounding property owners at least ten (10) days before the public hearing held before the Planning and Zoning Commission on March 18, 2004, and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **approval** of the proposed zone change; and,

WHEREAS, notice of the zone change request was advertised in the newspaper at least fifteen (15) days prior to the public hearing held before the City of Laredo City Council on this matter; and,

WHEREAS, the City Council has held a public hearing on April 19, 2004, on the request and finds the zone change appropriate and consistent with the General Plan of the City of Laredo; and,

WHEREAS, the City Council does not consider the impact, if any, of private covenants and deed restrictions on the subject property with the adoption of this ordinance; and,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The Zoning Map of the City of Laredo be and is hereby amended by rezoning 2.07 acres, as further described by metes and bounds in attached exhibit "A", approximately located south of Southgate Blvd. and east of Hwy. 83, from AG (Agricultural District) to B-3 (Community Business District).

Section 2: This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

Section 3: This ordinance shall become effective as and from the date of publication specified in Section 2.

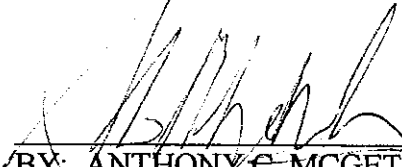
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

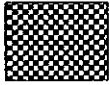
ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME FLORES
CITY ATTORNEY



BY: ANTHONY C. MCGETTRICK
ASSISTANT CITY ATTORNEY



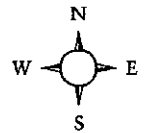
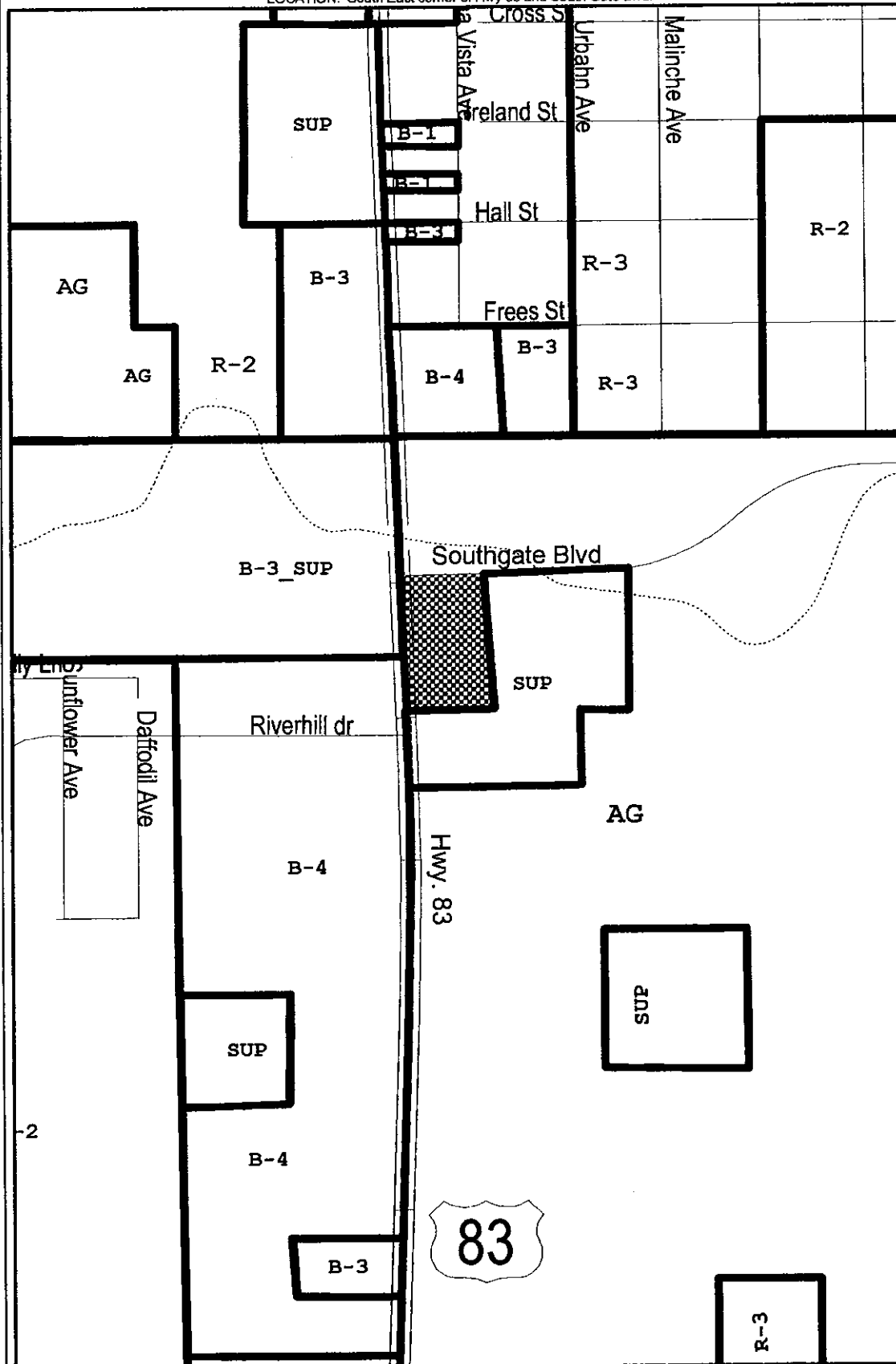
**Rezone from AG (Agricultural District)
To B-4 (Highway Commercial District)**

City of Laredo
Planning Department
Feet

LOCATION: South East corner of Hwy 83 and South Gate Blvd.

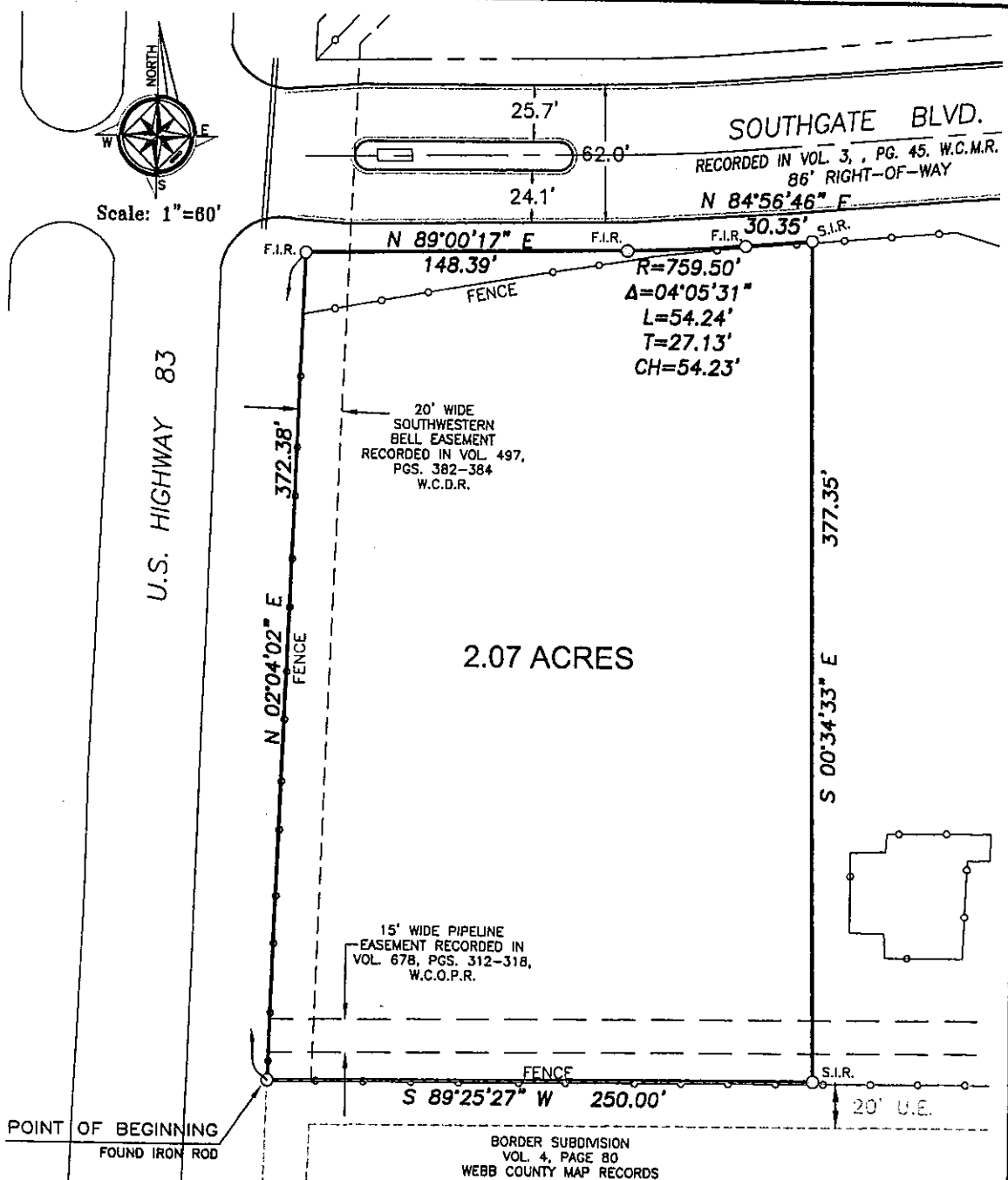
ZC - 12 - 2004

500



**City of Laredo
Zoning Map**



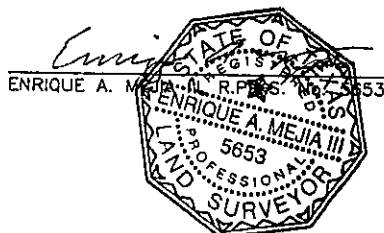


CERTIFICATE OF SURVEYOR

I THE UNDERSIGNED A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION, ON THE GROUND, THAT THE CORNER MONUMENTS SHOWN WERE PROPERLY PLACED OR LOCATED UNDER MY SUPERVISION.

LEGEND

○ S.I.R. = SET IRON ROD
○ F.I.R. = FOUND IRON ROD



ENRIQUE A. MEJIA III, R.P.S. No. 5653

1-19-04
DATE

SURVEY OF

A 2.07 ACRE TRACT, MORE OR LESS, SITUATED IN PORCION 35, ABSTRACT 546, JOSE MIGUEL DIAZ ORIGINAL GRANTEE, OUT OF 500 ACRE. AS RECORDED IN DEED VOL. 451, PG. 502, OF THE WEBB COUNTY DEED RECORDS.

BY GRAPHIC PLOTTING ONLY, THE PROPERTY IS WITHIN ZONE C (AREAS OF MINIMAL FLOODING) OF THE FLOOD INSURANCE RATE MAP. COMMUNITY-PANEL NUMBER 481059 0730 B WHICH BEARS AN EFFECTIVE DATE OF MAY 17, 1982 AND IS NOT LOCATED WITHIN AREAS OF 100-YEAR FLOOD.

Drawn By : RXL
Checked By : EAM
Approved By : EAM
Date : 1-19-04
Revision : 0
Project No. : 8014
File : LEGAL SURVEY.DWG



Sherfey
Engineering
Company, L.L.C.

104 Del Court
Suite 400
Laredo, Texas 78041
(956) 791-3511

**Metes and Bounds Description
2.07 Acre Tract**

A tract of land containing 2.07 acres, more or less, situated in Porcion 35, abstract 546, Jose Miguel Diaz original grantee, being out of that certain tract of land that is called to contain 500 acre, more or less, conveyed to H.B. Zachry company by Dr. L.A. Wright Et al, by instrument dated Feb. 4, 1976, and recorded in Vol. 506, Pages 586-597 Webb County Deed Records, said 2.07 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a found ½ inch iron rod on the east right-of-way line of U.S. Highway 83 at the northwest corner of Border Subdivision as recorded in volume 4, page 80 of the Webb County Map Records, same being the southwest corner of the herein described tract;

THENCE, N 02°04'02" E along the said east right-of-way line for US Hwy 83 a distance of 372.38 feet to a found ½ inch iron rod at the south right-of-way line of said Southgate Boulevard, the northwest corner of the herein described tract;

THENCE N 89°00'17" E, along the south right-of-way line of Southgate Boulevard a distance of 148.39 feet to a found ½ inch iron rod, a point of curve left;

THENCE, continuing along the south right-of-way line of Southgate Boulevard along the arc of the curve left 54.24 feet, having a radius of 759.50 feet, a delta of 4°05'31" with a chord and chord bearing of 54.23 feet and N 86°59'32" E, to a found ½ inch iron rod, a tangent point;

THENCE, continuing along the south right-of-way line of Southgate Boulevard N 84°56'46" E a distance of 30.35 feet to a found 1/2 inch iron rod the northeast corner of the herein described tract;

THENCE, departing from said Southgate Boulevard S 00°34'33" E a distance of 377.35 feet to a set ½ inch iron rod at the north line of said Border Subdivision, the southeast corner of the herein described tract;

THENCE, S89°25'27" W along a fence in places, a distance of 250.00 feet to return and close at the POINT OF BEGINNING of this 2.07 acre tract.

I, Enrique A. Mejia III, a Registered Professional Land Surveyor in the State of Texas do state that this metes and bounds description and accompanying sketch were prepared from an actual survey made of the property on the ground under my supervision.

Enrique A. Mejia III 1-19-04
Enrique A. Mejia III Date
Registered Professional Land Surveyor #5653



Enrique A. Mejia III



ZC-12-2004

COUNCIL COMMUNICATION

DATE: 05/03/2004	SUBJECT: FINAL READING OF ORDINANCE # 2004-O-093 Amending the City of Laredo fiscal year 2004 Capital Improvement Project Fund budget by appropriating revenues and expenditures in the amount of \$12,660 for the school flasher/beacon program. Revenues consists of contributions from Laredo Independent School District (LISD) in the amount \$3,165 and United Independent School District (UISD) in the amount of \$9,495.		
INITIATED BY: Larry Dovalina, City Manager Cynthia Collazo, Assistant City Manager		STAFF SOURCE: Rosario C. Cabello, Finance Director	
PREVIOUS COUNCIL ACTION: City Council adopted the budget for fiscal year 2004 on September 22, 2003 by Ordinance 2003-O-230. A public hearing and introduction of this ordinance will be held on April 19, 2004.			
BACKGROUND: The City has received contributions from the LISD and UISD for the school flasher/beacon program. The installation of the school flasher/beacon for both school districts will be designated at a later date. The cost of installation will be shared 50/50 between the City and the school districts.			
FINANCIAL:			
	Annual Budget FY 2004	Proposed Amendment	Amended Budget FY 2004
Capital Improvement Project			
Revenues:			
LISD 402-0000-326-0100	11,730	3,165	14,895
UISD 402-0000-326-0200	17,184	9,495	26,679
Expenditures:			
School Flashers Phase 2&3 402-4321-535-4043	141,467	12,660	154,127
The City's share is appropriated in the Capital Improvements Project			
COMMITTEE RECOMMENDATION:		STAFF RECOMMENDATION: Conduct public hearing and introduce this ordinance.	

ORDINANCE 2004-O-093

AMENDING THE CITY OF LAREDO FISCAL YEAR 2004 CAPITAL IMPROVEMENT PROJECT FUND BUDGET BY APPROPRIATING REVENUES AND EXPENDITURES IN THE AMOUNT OF \$12,660 FOR THE SCHOOL FLASHER/BEACON PROGRAM. REVENUES CONSISTS OF CONTRIBUTIONS FROM LAREDO INDEPENDENT SCHOOL DISTRICT (LISD) IN THE AMOUNT \$3,165 AND UNITED INDEPENDENT SCHOOL DISTRICT (UISD) IN THE AMOUNT OF \$9,495.

WHEREAS, on September 22, 2003, City Council adopted the fiscal year 2004 annual budget; and

WHEREAS, on April 19, 2004, City Council held a public hearing and introduced this ordinance; and

WHEREAS, we have received a total contribution of \$12,660 from both school districts to provide the funding necessary for school flasher/beacon program, the proposed budget amendment is hereby proposed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: Capital Improvement Fund is hereby amended as follows:

	Annual Budget FY 2004	Proposed Amendment	Amended Budget FY 2004
Revenues:			
LISD 402-0000-326-0100	11,730	3,165	14,895
UISD 402-0000-326-0200	17,184	9,495	26,679
Expenditures:			
School Flashers Phase 2&3 402-4321-535-4043	141,467	12,660	154,127

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
THE _____ DAY OF _____, 2004

ELIZABETH G. FLORES,
MAYOR

ATTEST:

APPROVED AS TO FORM:

GUSTAVO GUEVARA, JR.,
CITY SECRETARY

JAIME L. FLORES
CITY ATTORNEY

COUNCIL COMMUNICATIONS

DATE: 05/03/04	SUBJECT: FINAL READING OF ORDINANCE 2004-O-094 Establishing a 15% penalty on the 2003 delinquent tax accounts as of July 1, 2004 to defray costs of collection pursuant to section 33.07 (a) of the Texas State Property Tax Code; providing for publication and effective date.	
INITIATED BY: CYNTHIA COLLAZO, ASSISTANT CITY MANAGER		STAFF SOURCE ELIZABETH MARTINEZ, TAX ASSESSOR-COLLECTOR
PREVIOUS COUNCIL ACTION: On April 19, 2004, City Council instructed staff to proceed with Final Reading.		
BACKGROUND: The City of Laredo established a 15% penalty on delinquent taxes in June 1990. The proposed delinquent tax collection contract with the Law Firm of Ricardo De Anda is based on attorney fees of 15% of collected taxes, penalty, and interest. This fee covers the cost of legal action to collect property taxes.		
FINANCIAL: The City will continue to assess a 15% collection cost to taxes delinquent after July 1st of the year in which such taxes become delinquent as authorized by Section 33.07 (a) of the Property Tax Code. The amount paid out is equal to the amount collected.		
COMMITTEE RECOMMENDATION:		STAFF RECOMMENDATION: That City Council approves this Ordinance.

ORDINANCE NO. 2004-O-094

**ESTABLISHING A 15% PENALTY ON THE 2003
DELINQUENT TAX ACCOUNTS AS OF JULY 1,
2004 TO DEFRAY COSTS OF COLLECTION
PURSUANT TO SECTION 33.07 (a) OF THE TEXAS
STATE PROPERTY TAX CODE; PROVIDING FOR
PUBLICATION AND EFFECTIVE DATE.**

WHEREAS, Section 33.07 (a) the Texas State Property Tax Code authorizes a penalty not to exceed 15% of the amount of taxes, penalty and interest due on accounts that remain delinquent on July 1, of the year on which they become delinquent in order to defray cost of collection; and,

WHEREAS, the City has contracted with attorneys to enforce collection of delinquent taxes pursuant to Section 6.30 of the Texas State Property Tax Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF LAREDO THAT:**

Section 1: An additional penalty of fifteen (15%) percent of the amount of taxes, penalty and interest due on July 1 of the year in which they became delinquent is hereby levied under authority of Section 33.07 of the Texas State Property Tax Code; and

Section 2: Notification be mailed to delinquent taxpayers.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE
MAYOR ON THIS THE _____ DAY OF _____, 2004

ATTEST:

ELIZABETH G. FLORES
MAYOR

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME L. FLORES
CITY ATTORNEY

BY: _____
VALERIA M. ACEVEDO
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: FINAL READING OF ORDINANCE 2004-O-095 Authorizing the City Manager to execute a two (2) year lease agreement between the City of Laredo and the Laredo Amateur Boxing Club, Inc. for use of the "Orlando and Gaby Canizales Boxing Gym", located at 1610 Guadalupe Street, a copy of which is attached as exhibit "A", for an annual rental fee of \$1.00; and providing for effective date. As amended.	
INITIATED BY: Larry Dovalina City Manager		STAFF SOURCE: Horacio De Leon, Jr. Parks and Recreation Director
PREVIOUS COUNCIL ACTION: City Council approved the two (2) year lease agreement during a public hearing on April 19, 2004.		
BACKGROUND: For nearly 10 years the Laredo Amateur Boxing Club has made its home at the Orlando and Gaby Canizales Boxing Gym providing hundreds of Laredo youth a chance to train and develop boxing skills. They provide "Youth at Risk" a positive recreational opportunity and offer all youth an alternative to destructive juvenile behavior. The boxing program is staffed by goodhearted volunteers that offer their time and skills to the community through helpful boxing training and their good efforts have helped create a large following for boxing with the Laredo youth.		
FINANCIAL IMPACT: A total of \$1.00 per year as annual rent will be deposited to General Fund line item 101-0000-361-2000.		
COMMITTEE RECOMMENDATION: Recommends approval.		STAFF RECOMMENDATION: Recommends approval.

ORDINANCE 2004-O-095

AUTHORIZING THE CITY MANAGER TO EXECUTE A TWO (2) YEAR LEASE AGREEMENT BETWEEN THE CITY OF LAREDO AND THE LAREDO AMATEUR BOXING CLUB, INC. FOR USE OF THE "ORLANDO AND GABY CANIZALES BOXING GYM" LOCATED AT 1610 GUADALUPE STREET' A COPY OF WHICH IS ATTACHED AS EXHIBIT "A", FOR AN ANNUAL RENTAL FEE OF \$1.00; AND PROVIDING FOR EFFECTIVE DATE. AS AMENDED.

WHEREAS, the Laredo Amateur Boxing Club, Inc. provides a positive recreational opportunity for the "At-Risk" youth of Laredo; and

WHEREAS, the mission of the Laredo Amateur Boxing Club, Inc. is to provide the youth of Laredo with an alternative to destructive juvenile behavior; and

WHEREAS, the Laredo Amateur Boxing Club, Inc. offers youth boxing training as a recreational outlet through volunteer efforts; and

WHEREAS, the sport of boxing has developed a large following with the youth of Laredo; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The City Manager is authorized to execute the lease agreement between the Laredo Amateur Boxing Club, Inc. and the City of Laredo for the Orlando & Gaby Canizales Boxing Gym located at 1610 Guadalupe Street, a copy of which is attached as exhibit "A".

Section 2: This ordinance shall take effect as and from the date of passage.


**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON
THIS THE _____ DAY OF MAY, 2004.**

**ELIZABETH G. FLORES
MAYOR**

ATTEST:

**GUSTAVO GUEVARA, JR.
CITY SECRETARY**

**APPROVED AS TO FORM:
JAIME L. FLORES
CITY ATTORNEY**

BY: 

**ANTHONY C. MCGETTRICK
ASSISTANT CITY ATTORNEY**

COUNCIL COMMUNICATION

DATE: 05/03/2004	SUBJECT: FINAL READING ORDINANCE NO. 2004-O-96 Amending the City of Laredo FY 2003-2004 annual budget by decreasing revenues and expenditures in the amount for the \$15,479 to reflect the actual grant amount of \$28,053 from the Texas Department of Health for the <i>Texas-Tamaulipas Border States Birth Defects Project: Neural Tube Defects (NTD) Pilot Project in Los Dos Laredos</i> of the City of Laredo Health Department for the period beginning April 1, 2004, through August 31, 2004; and authorizing the City Manager to amend the City of Laredo's FY 2003-2004 Full-Time Equivalent Position by including .27 Health Educator position.
INITIATED BY: Cynthia Collazo Asst. City Manager	STAFF SOURCE: Hector F. Gonzalez, M.D., M.P.H. Health Director
PREVIOUS COUNCIL ACTION: On April 19, 2004, Council held public hearing introducing ordinance and instructed staff to proceed with the final reading.	
BACKGROUND: The Texas Department of Health has contracted with the City of Laredo to provide public health services to residents of Laredo and Webb County through the City of Laredo Health Department. The project established "The Texas-Tamaulipas Border States Birth Defects Project: Neural Tube Defect (NTD) Prevention Pilot in Los Dos Laredos" which addresses a prevention initiative due to historically high rates of NTDs in this area. The goals of the project include the following: <ol style="list-style-type: none">1. Enhance prevention, reduce recurrence, and occurrence of Neural Tube Defects (NTD) in Laredo, Texas;2. Enhance surveillance and monitoring activities and data exchange concerning cases between Tamaulipas and Texas; and,3. Organize and coordinate binational Health Council Meetings between Laredo, Nuevo Laredo, and Anahuac, Nuevo Leon, Mexico. The initiative addresses mutual concerns and shall accomplish the following: <ul style="list-style-type: none">• Enhance Surveillance, monitoring activities and data exchange• Reduce the recurrence of NTD by at least 80% of the defected cases in Laredo, Texas. This amendment to the budget also includes funds for a .27 Health Educator position (562 hours/year with benefits). Currently, the position of Health Educator is .50 FTE with benefits in the <i>Childhood Lead Poisoning Prevention Program</i> . The FTE will increase to .77 FTE with benefits and will serve to coordinate services as required by both grants.	
CONTINUED ON NEXT PAGE	
FINANCIAL The City of Laredo will receive \$28,053 for the <i>Texas-Tamaulipas Border States Birth Defects Project: Neural Tube Defects (NTD) Pilot Project in Los Dos Laredos</i> of the City of Laredo Health Department for the period beginning April 1, 2004, through August 31, 2004. . This amount signifies a decrease of \$15, 479 from the current appropriation. The revenue account is 226-0000-323-4090 and expenditure account is 226-6024.	
RECOMMENDATION:	STAFF: Recommends that Council approve ordinance.

ORDINANCE 2004-O-96

AMENDING THE CITY OF LAREDO FY 2003-2004 ANNUAL BUDGET BY DECREASING REVENUES AND EXPENDITURES IN THE AMOUNT FOR THE \$15,479 TO REFLECT THE ACTUAL GRANT AMOUNT OF \$28,053 FROM THE TEXAS DEPARTMENT OF HEALTH FOR THE *TEXAS-TAMAULIPAS BORDER STATES BIRTH DEFECTS PROJECT: NEURAL TUBE DEFECTS (NTD) PILOT PROJECT IN LOS DOS LAREDOS* OF THE CITY OF LAREDO HEALTH DEPARTMENT FOR THE PERIOD BEGINNING APRIL 1, 2004, THROUGH AUGUST 31, 2004; AND AUTHORIZING THE CITY MANAGER TO AMEND THE CITY OF LAREDO'S FY 2003-2004 FULL-TIME EQUIVALENT POSITION BY INCLUDING .27 HEALTH EDUCATOR POSITION.

WHEREAS, the Texas Department of Health is contracting with the City of Laredo to provide public health services to residents of Laredo and Webb County through the City of Laredo Health Department, and

WHEREAS, the project established "The Texas-Tamaulipas Border States Birth Defects Project: Neural Tube Defect (NTD) Prevention Pilot in Los Dos Laredos" which addresses a prevention initiative due to historically high rates of NTDs in this area. The goals of the project include the following:

1. Enhance prevention, reduce recurrence, and occurrence of Neural Tube Defects (NTD) in Laredo, Texas;
2. Enhance surveillance and monitoring activities and data exchange concerning cases between Tamaulipas and Texas; and,
3. Organize and coordinate binational Health Council Meetings between Laredo, Nuevo Laredo, and Anahuac, Nuevo Leon, Mexico; and

WHEREAS, initiative addresses mutual concerns and shall accomplish the following:

- Enhance Surveillance, monitoring activities and data exchange
- Reduce the recurrence of NTD by at least 80% of the defected cases in Laredo, Texas.

WHEREAS, this amendment to the budget also includes funds for a .27 Health Educator position (562 hours/year with benefits). Currently, the position of Health Educator is .50 FTE with benefits in the *Childhood Lead Poisoning Prevention Program*. The FTE will increase to .77 FTE with benefits and will serve to coordinate services as required by both grants.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF LAREDO THAT:**

Section 1: The City Manager is hereby authorized to amend the budget and to execute the contract and accept the grant and its provisions as set forth by the Texas Department of Health.

Section 2: The City of Laredo accepts funds in the amount of \$28,053 in funds for the "The Texas-Tamaulipas Border States Birth Defects Project: Neural Tube Defect (NTD) Prevention Pilot in Los Dos Laredos" of the City of Laredo Health Department. This is a decrease of \$15,479 from the actual budget.

Section 3: Revenue line item 226-0000-323-4090 funded by the Texas Department of Health is decreased from \$43,532 to \$28,053.

Section 4: Expenditure line item 226-6024 is decreased from \$43,532 to \$28,053.

Section 5: This action also authorizes an increase in the FTE for the Health Educator position already funded by 226-6042 at .50% by 27% for a total .77 FTE.

Section 6: The City Manager is hereby authorized to make transfers within the budget as allowable under the General Provisions as set forth by the Texas Department of Health to meet the necessary costs to accomplish the scope of work for the project.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR

ON THIS _____ DAY OF _____, 2004.

**ELIZABETH G. FLORES
MAYOR**

ATTEST:

**GUSTAVO GUEVARA, JR.
CITY SECRETARY**

APPROVED AS TO FORM:



JAIME FLORES

BUDGET

CATEGORIES	APPROVED BUDGET		CHANGE		NEW BUDGET
REVENUES					
REVENUES	\$	43,532	\$	-15,479	\$ 28,053
PROGRAM INCOME		0		0	0
TOTAL REVENUES	\$	43,532		-15,479	\$ 28,053
EXPENSES					
PERSONNEL	\$	0	\$	8,320	\$ 8,320
FRINGE BENEFITS		0		3,597	3,597
TRAVEL		0		0	0
EQUIPMENT		0		2,700	2,700
SUPPLIES		16,772		-6,443	10,329
CONTRACTUAL		0		0	0
OTHER		26,760		-24,485	2,275
TOTAL DIRECT CHGS	\$	43,532	\$	-16,311	\$ 27,221
INDIRECT CHGS.		0		832	832
TOTAL DIRECT CHGS		43,532		-15,479	28,053
PROGRAM INCOME		0		0	0
TOTAL	\$	43,532	\$	-15,479	\$ 28,053

PERSONNEL

	APPROVED	PROPOSED	PROPOSED
BUDGET 226-6024	FTEs	FTEs	CHANGE
PT - HEALTH EDUCATOR	0	0.27	0.27
WITH BENEFITS			
TOTAL	0	0.27	0.27

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: FINAL READING ORDINANCE NO. 2004-O-97 Amending the City of Laredo FY 2003-2004 annual budget by increasing revenues and expenditures in the amount for the \$20,000 from the Texas Department of Health for the <i>Office of Border Health: Buena Vida Project</i> of the City of Laredo Health Department for the period beginning April 1, 2004, through August 31, 2004.	
INITIATED BY: Cynthia Collazo Asst. City Manager		STAFF SOURCE: Hector F. Gonzalez, M.D., M.P.H. Health Director
PREVIOUS COUNCIL ACTION: On April 19, 2004, Council held public hearing introducing ordinance and instructed staff to proceed with final reading.		
BACKGROUND: <p>The Texas Department of Health has contracted with the City of Laredo to provide public health services to residents of Laredo and Webb County through the City of Laredo Health Department.</p> <p>The Office of Border Health: Buena Vida Project shall administer an on-going program to improve the health of residents along the Texas-Mexico border by:</p> <ol style="list-style-type: none"> 1. Enhancing community awareness about diabetes, cancer, and cardiovascular diseases, and associated health risk factors; 2. Enable local residents to make decisions leading to healthier lifestyle practices and improve the quality of their lives; 3. Promote health and disease prevention among area residents; and 4. Randomly screen clients for cholesterol levels and glucose levels in order to accomplish the project goals. <p>The Texas Department of Health allows a maximum transfer of 10% of the total budget between categorical line items. Based on the revised goals and objectives of the project, 10% (\$2,000) is being allocated to Advertising (226-6031-543-6200) from Office Supplies (226-6031-542-0100).</p>		
CONTINUED ON NEXT PAGE		
FINANCIAL The City of Laredo will receive \$20,000 for the <i>Office of Border Health: Buena Vida Project</i> of the City of Laredo Health Department for the period beginning April 1, 2004, through August 31, 2004. The revenue account is 226-0000-323-4035 and expenditure account is 226-6031.		
RECOMMENDATION:		STAFF: Recommends that Council approve ordinance.

BUDGET

CATERGORIES		APPROVED BUDGET
REVENUES		
REVENUES	\$	20,000
PROGRAM INCOME		0
TOTAL REVENUES	\$	20,000
EXPENSES		
PERSONNEL	\$	0
FRINGE BENEFITS		0
TRAVEL		0
EQUIPMENT		0
SUPPLIES		8,000
CONTRACTUAL		0
OTHER		12,000
TOTAL DIRECT CHGS	\$	20,000
INDIRECT CHGS.		0
TOTAL DIRECT CHGS		20,000
PROGRAM INCOME		0
TOTAL	\$	20,000

ORDINANCE 2004-O-97

AMENDING THE CITY OF LAREDO FY 2003-2004 ANNUAL BUDGET BY INCREASING REVENUES AND EXPENDITURES IN THE AMOUNT FOR THE \$20,000 FROM THE TEXAS DEPARTMENT OF HEALTH FOR THE OFFICE OF BORDER HEALTH: BUENA VIDA PROJECT OF THE CITY OF LAREDO HEALTH DEPARTMENT FOR THE PERIOD BEGINNING APRIL 1, 2004, THROUGH AUGUST 31, 2004.

WHEREAS, the Texas Department of Health is contracting with the City of Laredo to provide public health services to residents of Laredo and Webb County through the City of Laredo Health Department, and

WHEREAS, the Office of Border Health: Buena Vida Project shall administer an on-going program to improve the health of residents along the Texas-Mexico border by:

1. Enhancing community awareness about diabetes, cancer, and cardiovascular diseases, and associated health risk factors;
2. Enable local residents to make decisions leading to healthier lifestyle practices and improve the quality of their lives;
3. Promote health and disease prevention among area residents; and
4. Randomly screen clients for cholesterol levels and glucose levels in order to accomplish the project goals.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The City Manager is hereby authorized to amend the budget and to execute the contract and accept the grant and its provisions as set forth by the Texas Department of Health.

Section 2: The City of Laredo accepts funds in the amount of \$20,000 in funds for the Office of Border Health: Buena Vida Project of the City of Laredo Health Department.

Section 3: Revenue line item 226-0000-323-4035 funded by the Texas Department of Health is hereby increased from \$0 to \$20,000.

Section 4: Expenditure line item 226-6031 is hereby increased from \$0 to \$20,000.

Section 5: The City Manager is hereby authorized to make transfers within the budget as allowable under the General Provisions as set forth by the Texas Department of Health to meet the necessary costs to accomplish the scope of work for the project.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR

ON THIS _____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:



JAIME FLORES
CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 05/03/04

SUBJECT: FINAL READING ORDINANCE NO. 2004-O-98
Amending the City of Laredo FY 2003-2004 annual budget by increasing revenues and expenditures in the amount of \$4,995 in additional funds from the Texas Department of Health for the Office of Border Health: HIV Awareness Project of the City of Laredo Health Department for the period beginning April 1, 2004, through August 31, 2004.

INITIATED BY:

Cynthia Collazo
Asst. City Manager

STAFF SOURCE:

Hector F. Gonzalez, M.D., M.P.H.
Health Director

PREVIOUS COUNCIL ACTION: On April 19, 2004, Council held public hearing introducing ordinance and instructed staff to proceed with final reading.

BACKGROUND:

The Texas Department of Health has contracted with the City of Laredo to provide public health services to residents of Laredo and Webb County through the City of Laredo Health Department.

The City of Laredo Health Department received notice of a mini-grant award on March 30, 2004, for an HIV Awareness Project to increase HIV awareness among adolescents regarding mode of transmission as measured through pre and post-tests. Small group educational presentations will be utilized. HIV awareness activities will be conducted in the Laredo/Nuevo Laredo area during Border Binational Health Week.

BUDGET

CATEGORIES	NEW BUDGET	
REVENUES		
TDHGRANT REVENUE	\$	4,995
PROGRAM INCOME		0
TOTAL REVENUES	\$	4,995
EXPENSES		
PERSONNEL	\$	3,900
FRINGE BENEFITS		1,095
TRAVEL		0
EQUIPMENT		0
SUPPLIES		0
CONTRACTUAL		0
OTHER		
SUB-TOTAL	\$	4,995
INDIRECT CHARGES		0
RESERVE (PROGRAM INC.)		0
TOTAL	\$	4,995

FINANCIAL: The City of Laredo will receive \$4,995 in funds for the HIV Awareness Project of the City of Laredo Health Department for the period beginning April 1, 2004, through August 31 2004, increasing revenue line item 226-0000-323-4039, and expenditure line item 226-6032.

RECOMMENDATION:

STAFF: Recommends that Council approve ordinance.

ORDINANCE NO. 2004-O-98

AMENDING THE CITY OF LAREDO FY 2003-2004 ANNUAL BUDGET BY INCREASING REVENUES AND EXPENDITURES IN THE AMOUNT OF \$4,995 IN ADDITIONAL FUNDS FROM THE TEXAS DEPARTMENT OF HEALTH FOR THE OFFICE OF BORDER HEALTH: HIV AWARENESS PROJECT OF THE CITY OF LAREDO HEALTH DEPARTMENT FOR THE PERIOD BEGINNING APRIL 1, 2004, THROUGH AUGUST 31, 2004.

WHEREAS, the Texas Department of Health is contracting with the City of Laredo to provide public health services to residents of Laredo and Webb County through the City of Laredo Health Department, and

WHEREAS, City of Laredo Health Department received notice of a mini-grant award on March 30, 2004, for an HIV Awareness Project to increase HIV awareness among adolescents regarding mode of transmission as measured through pre and post-tests. Small group educational presentations will be utilized. HIV awareness activities will be conducted in the Laredo/Nuevo Laredo area during Border Binational Health Week.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The City Manager is hereby authorized to amend the budget and to execute the contract and accept the grant and its provisions as set forth by the Texas Department of Health.

Section 2: The City of Laredo accepts funds in the amount of \$4,995 in funds for the Office of Border Health: HIV Awareness Project of the City of Laredo Health Department.

Section 3: Revenue line item 226-0000-323-4039 funded by the Texas Department of Health is hereby increased from \$0 to \$4,995.

Section 4: Expenditure line item 226-6032 is hereby increased from \$0 to \$4,995.

Section 5: The City Manager is hereby authorized to make transfers within the budget as allowable under the General Provisions as set forth by the Texas Department of Health to meet the necessary costs to accomplish the scope of work for the project.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR

ORDINANCE

AMENDING THE CITY OF LAREDO FY 2003-2004 ANNUAL BUDGET BY INCREASING REVENUES AND EXPENDITURES IN THE AMOUNT OF \$4,995 FROM THE TEXAS DEPARTMENT OF HEALTH FOR THE OFFICE OF BORDER HEALTH: HIV AWARENESS PROJECT OF THE CITY OF LAREDO HEALTH DEPARTMENT FOR THE PERIOD BEGINNING APRIL 1, 2004, THROUGH AUGUST 31, 2004.

WHEREAS, the Texas Department of Health is contracting with the City of Laredo to provide public health services to residents of Laredo and Webb County through the City of Laredo Health Department, and

WHEREAS, City of Laredo Health Department received notice of a mini-grant award on March 30, 2004, for an HIV Awareness Project to increase HIV awareness among adolescents regarding mode of transmission as measured through pre and post-tests. Small group educational presentations will be utilized. HIV awareness activities will be conducted in the Laredo/Nuevo Laredo area during Border Binational Health Week.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The City Manager is hereby authorized to amend the budget and to execute the contract and accept the grant and its provisions as set forth by the Texas Department of Health.

Section 2: The City of Laredo accepts funds in the amount of \$4,995 in funds for the Office of Border Health: HIV Awareness Project of the City of Laredo Health Department.

Section 3: Revenue line item 226-0000-323-4039 funded by the Texas Department of Health is hereby increased from \$0 to \$4,995.

Section 4: Expenditure line item 226-6032 is hereby increased from \$0 to \$4,995.

Section 5: The City Manager is hereby authorized to make transfers within the budget as allowable under the General Provisions as set forth by the Texas Department of Health to meet the necessary costs to accomplish the scope of work for the project.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR

ON THIS _____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:



JAIME FLORES
CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 05/03/04
SUBJECT: FINAL READING ORDINANCE NO. 2004-O-99
Amending the City of Laredo FY 2003-2004 annual budget by increasing revenues and expenditures in the amount of \$3,500 in additional funds from the Texas Department of Health for the Office of Border Health: Environmental Epidemiological Study Project of the City of Laredo Health Department for the period beginning April 1, 2004, through August 31, 2004.

INITIATED BY:

Cynthia Collazo
Asst. City Manager

STAFF SOURCE:

Hector F. Gonzalez, M.D., M.P.H.
Health Director

PREVIOUS COUNCIL ACTION: None

BACKGROUND:

The Texas Department of Health has contracted with the City of Laredo to provide public health services to residents of Laredo and Webb County through the City of Laredo Health Department.

The City of Laredo Health Department received notice of a mini-grant award on March 30, 2004, for an Environmental Epidemiological Study Project in the amount of \$3,500. This project will complete a study of heavy metal toxins in blood of residents at the Former Laredo Air Force Base (FLAB).

BUDGET

CATEGORIES	NEW BUDGET	
REVENUES		
TDH GRANT REVENUE	\$	3,500
PROGRAM INCOME		0
TOTAL REVENUES	\$	3,500
EXPENSES		
PERSONNEL	\$	0
FRINGE BENEFITS		0
TRAVEL		0
EQUIPMENT		0
SUPPLIES		500
CONTRACTUAL		3,000
OTHER		
SUB-TOTAL	\$	3,500
INDIRECT CHARGES		0
RESERVE (PROGRAM INC)		0
TOTAL	\$	3,500

FINANCIAL: The City of Laredo will receive \$3,500 in funds for the Environmental Epidemiological Study Project of the City of Laredo Health Department for the period beginning April 1, 2004, through August 31 2004, increasing revenue line item 226-0000-323-4044, and expenditure line item 226-6033.

RECOMMENDATION:

STAFF: Recommends that Council introduce ordinance.

ORDINANCE NO. 2004-O-99

AMENDING THE CITY OF LAREDO FY 2003-2004 ANNUAL BUDGET BY INCREASING REVENUES AND EXPENDITURES IN THE AMOUNT OF \$3,500 IN ADDITIONAL FUNDS FROM THE TEXAS DEPARTMENT OF HEALTH FOR THE OFFICE OF BORDER HEALTH: ENVIRONMENTAL EPIDEMIOLOGICAL STUDY PROJECT OF THE CITY OF LAREDO HEALTH DEPARTMENT FOR THE PERIOD BEGINNING APRIL 1, 2004, THROUGH AUGUST 31, 2004.

WHEREAS, the Texas Department of Health is contracting with the City of Laredo to provide public health services to residents of Laredo and Webb County through the City of Laredo Health Department, and

WHEREAS, the City of Laredo Health Department received notice of a mini-grant award on March 30, 2004, for an Environmental Epidemiological Study Project in the amount of \$3,500. This project will complete a study of heavy metal toxins in blood of residents at the Former Laredo Air Force Base (FLAB).

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The City Manager is hereby authorized to amend the budget and to execute the contract and accept the grant and its provisions as set forth by the Texas Department of Health.

Section 2: The City of Laredo accepts funds in the amount of \$3,500 in funds for the Office of Border Health: Environmental Epidemiological Study Project of the City of Laredo Health Department.

Section 3: Revenue line item 226-0000-323-4044 funded by the Texas Department of Health is hereby increased from \$0 to \$3,500.

Section 4: Expenditure line item 226-6033 is hereby increased from \$0 to \$3,500.

Section 5: The City Manager is hereby authorized to make transfers within the budget as allowable under the General Provisions as set forth by the Texas Department of Health to meet the necessary costs to accomplish the scope of work for the project.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR


ON THIS _____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:



JAIME FLORES
CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: FINAL READING ORDINANCE NO. 2004-O-100 Amending the City of Laredo FY 2003-2004 annual budget by increasing revenues and expenditures in the amount of \$2,000 in additional funds from the Texas Department of Health for the Office of Border Health: Tuberculosis Directly Observed Therapy (DOT) Project of the City of Laredo Health Department for the period beginning April 1, 2004, through August 31, 2004.																																		
INITIATED BY: Cynthia Collazo Asst. City Manager	STAFF SOURCE: Hector F. Gonzalez, M.D., M.P.H. Health Director																																		
PREVIOUS COUNCIL ACTION: On April 19, 2004, Council held public hearing introducing ordinance and instructed staff to proceed with final reading.																																			
BACKGROUND: The Texas Department of Health has contracted with the City of Laredo to provide public health services to residents of Laredo and Webb County through the City of Laredo Health Department. The City of Laredo Health Department received notice of a mini-grant award on March 30, 2004, for a Tuberculosis Directly Observed Therapy Project in the amount of \$2,000. This project will provide 250 additional Directly Observed therapy visits to tuberculosis patients in Webb County compared to the same period last year. <div style="text-align: center;">BUDGET</div> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">CATEGORIES</th> <th style="text-align: right;">NEW BUDGET</th> </tr> </thead> <tbody> <tr> <td>REVENUES</td> <td></td> </tr> <tr> <td>TDH GRANT REVENUE</td> <td style="text-align: right;">\$ 2,000</td> </tr> <tr> <td>PROGRAM INCOME</td> <td style="text-align: right;">0</td> </tr> <tr> <td>TOTAL REVENUES</td> <td style="text-align: right;">\$ 2,000</td> </tr> <tr> <td>EXPENSES</td> <td></td> </tr> <tr> <td>PERSONNEL</td> <td style="text-align: right;">\$ 0</td> </tr> <tr> <td>FRINGE BENEFITS</td> <td style="text-align: right;">0</td> </tr> <tr> <td>TRAVEL</td> <td style="text-align: right;">2,000</td> </tr> <tr> <td>EQUIPMENT</td> <td style="text-align: right;">0</td> </tr> <tr> <td>SUPPLIES</td> <td style="text-align: right;">0</td> </tr> <tr> <td>CONTRACTUAL</td> <td style="text-align: right;">0</td> </tr> <tr> <td>OTHER</td> <td style="text-align: right;">0</td> </tr> <tr> <td>SUB-TOTAL</td> <td style="text-align: right;">\$ 2,000</td> </tr> <tr> <td>INDIRECT CHARGES</td> <td style="text-align: right;">0</td> </tr> <tr> <td>RESERVE (PROGRAM INC.)</td> <td style="text-align: right;">0</td> </tr> <tr> <td>TOTAL</td> <td style="text-align: right;">\$ 2,000</td> </tr> </tbody> </table>		CATEGORIES	NEW BUDGET	REVENUES		TDH GRANT REVENUE	\$ 2,000	PROGRAM INCOME	0	TOTAL REVENUES	\$ 2,000	EXPENSES		PERSONNEL	\$ 0	FRINGE BENEFITS	0	TRAVEL	2,000	EQUIPMENT	0	SUPPLIES	0	CONTRACTUAL	0	OTHER	0	SUB-TOTAL	\$ 2,000	INDIRECT CHARGES	0	RESERVE (PROGRAM INC.)	0	TOTAL	\$ 2,000
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TOTAL	\$ 2,000																																		
FINANCIAL: The City of Laredo will receive \$2,000 in funds for a Tuberculosis Directly Observed Therapy Project of the City of Laredo Health Department for the period beginning April 1, 2004, through August 31 2004, increasing revenue line item 226-0000-323-4045, and expenditure line item 226-6034.																																			
RECOMMENDATION:	STAFF: Recommends that Council approve ordinance.																																		

ORDINANCE 2004-O-100

AMENDING THE CITY OF LAREDO FY 2003-2004 ANNUAL BUDGET BY INCREASING REVENUES AND EXPENDITURES IN THE AMOUNT OF \$2,000 IN ADDITIONAL FUNDS FROM THE TEXAS DEPARTMENT OF HEALTH FOR A TUBERCULOSIS DIRECTLY OBSERVED THERAPY PROJECT OF THE CITY OF LAREDO HEALTH DEPARTMENT FOR THE PERIOD BEGINNING APRIL 1, 2004, THROUGH AUGUST 31, 2004.

WHEREAS, the Texas Department of Health is contracting with the City of Laredo to provide public health services to residents of Laredo and Webb County through the City of Laredo Health Department, and

WHEREAS, the City of Laredo Health Department received notice of a mini-grant award on March 30, 2004, for a Tuberculosis Directly Observed Therapy Project in the amount of \$2,000. This project will provide 250 additional Directly Observed therapy visits to tuberculosis patients in Webb County compared to the same period last year.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The City Manager is hereby authorized to amend the budget and to execute the contract and accept the grant and its provisions as set forth by the Texas Department of Health.

Section 2: The City of Laredo accepts funds in the amount of \$2,000 in funds for the Office of Border Health: Tuberculosis Directly Observed Therapy Project of the City of Laredo Health Department.

Section 3: Revenue line item 226-0000-323-4044 funded by the Texas Department of Health is hereby increased from \$0 to \$2,000.

Section 4: Expenditure line item 226-6034 is increased from \$0 to \$2,000.

Section 5: The City Manager is hereby authorized to make transfers within the budget as allowable under the General Provisions as set forth by the Texas Department of Health to meet the necessary costs to accomplish the scope of work for the project.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR

ON THIS _____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:



JAIME FLORES
CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: FINAL READING OF ORDINANCE 2004-O-101 Amending the City of Laredo Fiscal Year 2004 Recreation Fund annual budget by appropriating revenues and expenditures in the amount of \$15,000 for the administration of recreation programs and authorizing the City Manager to implement said budget amendment.																						
INITIATED BY: Larry Dovalina City Manager		STAFF SOURCE: Horacio De Leon, Jr. Parks and Recreation Director																					
PREVIOUS COUNCIL ACTION: City Council held a public hearing on the item and approved the budget amendment on April 19, 2004.																							
BACKGROUND: <p>The Parks and Recreation Department is offering increased recreational programming activities and has implemented several new activities not anticipated. This fiscal year (2004), Parks and Recreation administered and coordinated more recreational programming activities resulting in excess revenue and expenditures as evidenced in the growing number of participants at the various facilities. A cheerleading class not anticipated during last year's budget has resulted in a very successful program and budgeted revenues and expenditures have exceeded projected amounts.</p>																							
FINANCIAL IMPACT: The Recreation Fund(248) will be amended as follows: <table style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 15%; text-align: center;">Annual Budget FY 03-04</th> <th style="width: 15%; text-align: center;">Proposed Amendment</th> <th style="width: 30%; text-align: center;">Proposed Amended Budget FY 03-04</th> </tr> </thead> <tbody> <tr> <td>Revenues:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Classes & Lessons</td> <td style="text-align: right;">\$16,000</td> <td style="text-align: right;">\$15,000</td> <td style="text-align: right;">\$31,000</td> </tr> <tr> <td>Expenditures:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Classes & Lessons/Contract Labor</td> <td style="text-align: right;">\$10,000</td> <td style="text-align: right;">\$15,000</td> <td style="text-align: right;">\$25,000</td> </tr> </tbody> </table>					Annual Budget FY 03-04	Proposed Amendment	Proposed Amended Budget FY 03-04	Revenues:				Classes & Lessons	\$16,000	\$15,000	\$31,000	Expenditures:				Classes & Lessons/Contract Labor	\$10,000	\$15,000	\$25,000
	Annual Budget FY 03-04	Proposed Amendment	Proposed Amended Budget FY 03-04																				
Revenues:																							
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Expenditures:																							
Classes & Lessons/Contract Labor	\$10,000	\$15,000	\$25,000																				
COMMITTEE RECOMMENDATION: N/A		STAFF RECOMMENDATION: Recommends approval.																					

ORDINANCE 2004-O-101

AMENDING THE CITY OF LAREDO FISCAL YEAR 2004 RECREATION FUND ANNUAL BUDGET BY APPROPRIATING REVENUES AND EXPENDITURES IN THE AMOUNT OF \$15,000 FOR THE ADMINISTRATION OF RECREATION PROGRAMS AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT SAID BUDGET AMENDMENT.

WHEREAS, in September, 2003, the City Council adopted the fiscal year 2004 annual budget; and

WHEREAS, the Parks and Recreation Department has implemented additional programming; and

WHEREAS, the Parks and Recreation Department has received additional monies and incurred added expenditures through added programming.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The Recreation Fund (248) is hereby amended as follows:

	Annual Budget FY 03-04	Proposed Amendment	Proposed Amended Budget FY 03-04
Revenues:			
Classes & Lessons	\$16,000	\$15,000	\$31,000
Expenditures:			
Classes & Lessons/Contract Labor	\$10,000	\$15,000	\$25,000

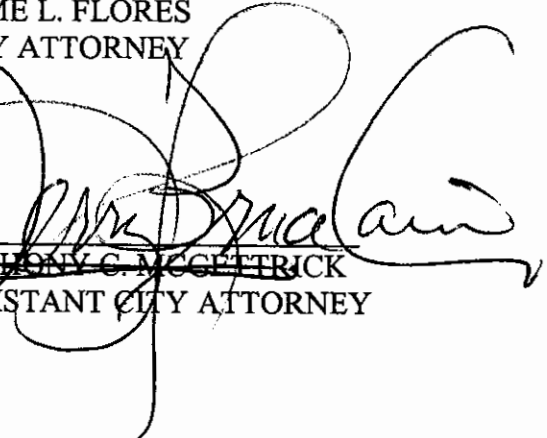
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE
_____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME L. FLORES
CITY ATTORNEY

BY: 
~~ANTHONY C. MCGETTRICK~~
ASSISTANT CITY ATTORNEY

DATE: 5-3-04	SUBJECT: ORDINANCE NO. 2004-O-102 Amending the City of Laredo FY 2003/2004 Airport Fund, Noise Abatement Fund and Airport Construction Fund to recognize additional revenues from two grants received from the Federal Aviation Administration Airport Improvement Program being Grant Project No. 3-48-0136-40-04 in the amount of \$ 6,000,000.00 for acquisition of residential structures, sound insulate residences and acquire avigation easements and Grant Project No. 3-48-0136-41-04 in the amount of \$4,276,134.00 for construction of Engineered Materials Arresting System for Runway 35L, rehabilitate portion of Taxiway System and construct cargo pads at the Laredo International Airport and appropriating said grant revenue in the Noise Abatement and Airport Construction fund and local match in the amount of \$540,850 from the Airport opening fund balance to the appropriate expenditure accounts and authorizing the City Manager to implement said budget amendment.	
INITIATED BY: Jose L. Flores, Airport Director Cynthia Collazo, Assistant City Manager		STAFF SOURCE: Jose L. Flores
PREVIOUS ACTION: On April 19, 2004, Ordinance was introduced by City Council, and Staff was instructed to proceed.		
BACKGROUND: The Federal Aviation Administration is requesting that the City of Laredo submit two grant applications for federal Airport Improvement Program (AIP) assistance in the amount of \$6,000,000.00 for the purpose of noise abatement and a second application in the amount of \$4,276,134.00 for the purpose of installing an EMAS, rehabilitating a portion of the taxiway system and constructing cargo pads. Grant Project No. 40 - Funding for the noise mitigation project will give continuance to the City's noise abatement program. Approximately 112 families or approximately 560 people will be positively impacted by this grant. The acquisition of the Runway Protection Zone parcel will be used as City's local match. Grant Project No. 41- Installation of the EMAS will enhance runway safety. Rehabilitation of a portion of the taxiway system will enhance safety and capacity. Construction of concrete cargo pads will enhance safety and capacity.		
FINANCIAL: (Attached)		
RECOMMENDATION: The Airport Advisory Committee recommended approval of Resolution 2004-R-030.	STAFF: That the City Manager be authorized to implement the proposed FY 2003-2004 budget amendment.	

FINANCIAL: (PAGE 2)

	Account No.	Amended Budget	Adjustment	Proposed Amended Budget
FAA Grant No.40				
Revenues:				
FAA Grant No.40 Revenue	254-0000-322-2055	0.00	6,000,000.00	6,000,000.00
Transfer In From Airport Fund	254-0000-393-0242	275,338.00	<u>315,790.00</u>	591,128.00
			<u>6,315,790.00</u>	
Expenses:				
Personnel	254-3660-581-XXXX	0.00	100,000.00	100,000.00
Land	254-3660-585-9101	0.00	5,495,790.00	5,495,790.00
Improv. Other Than Build.	254-3660-585-9301	0.00	600,000.00	600,000.00
Reserve Appropriation	254-3660-584-9900	0.00	<u>120,000.00</u>	120,000.00
			<u>6,315,790.00</u>	
FAA Grant No. 41				
Revenues:				
FAA Grant No.41 Revenue	433-0000-322-2056	0.00	4,276,134.00	4,276,134.00
Transfer In Airport Fund	433-0000-393-0242	2,028,813.00	<u>225,060.00</u>	2,253,873.00
			<u>4,501,194.00</u>	
Expenses:				
Engineering Fees	433-3661-583-5512	0.00	225,000.00	225,000.00
Testing Fees	433-3661-583-5514	0.00	25,000.00	25,000.00
Inspection Fees	433-3661-583-5515	0.00	50,000.00	50,000.00
Improv. Other Than Building	433-3661-585-9301	0.00	4,200,194.00	4,200,194.00
Reserve Appropriation	433-3661-584-9900	0.00	<u>1,000.00</u>	1,000.00
			<u>4,501,194.00</u>	
Airport Fund				
Opening Balance		3,466,486.00	-540,850.00	2,925,636.00
Expenses				
Transfer To Airport Construction	242-3605-597-0433	0.00	225,060.00	225,060.00
Transfer To Noise Abatement	242-3605-597-0254	0.00	<u>315,790.00</u>	315,790.00
			<u>540,850.00</u>	

ORDINANCE NO. 2004-O-102

AMENDING THE CITY OF LAREDO FY 2003/2004 AIRPORT FUND, NOISE ABATEMENT FUND, AND AIRPORT CONSTRUCTION FUND TO RECOGNIZE ADDITIONAL REVENUES FROM TWO GRANTS RECEIVED FROM THE FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM BEING GRANT PROJECT NO. 3-48-0136-40-04 IN THE AMOUNT OF \$ 6,000,000.00 FOR ACQUISITION OF RESIDENTIAL STRUCTURES, SOUND INSULATE RESIDENCES AND ACQUIRE AVIGATION EASEMENTS AND GRANT PROJECT NO. 3-48-0136-41-04 IN THE AMOUNT OF \$4,276,134.00 FOR CONSTRUCTION OF ENGINEERED MATERIALS ARRESTING SYSTEM FOR RUNWAY 35L, REHABILITATE PORTION OF TAXIWAY SYSTEM AND CONSTRUCT CARGO PADS AT THE LAREDO INTERNATIONAL AIRPORT AND APPROPRIATING SAID GRANT REVENUE IN THE NOISE ABATEMENT AND AIRPORT CONSTRUCTION FUND AND LOCAL MATCH IN THE AMOUNT OF \$540,850 FROM THE AIRPORT OPENING FUND BALANCE TO THE APPROPRIATE EXPENDITURE ACCOUNTS AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT SAID BUDGET AMENDMENT.

WHEREAS, the Federal Aviation Administration has approved two Airport Improvement Program grants being Grant Project No. 3-48-0136-40-04 in the amount of \$6,000,000.00 for acquisition of residential structures, sound insulate residences and acquire avigation easements and Grand Project No. 3-48-0136-41-04 in the amount of \$4,276,134.00 for construction of Engineered Materials Arresting System for Runway 35L, rehabilitate portion of Taxiway System and construct cargo pads at the Laredo International Airport and appropriating said grant revenue in the Noise Abatement and Airport Construction fund and local match in the amount of \$540,850 from the opening fund balance to the appropriate expenditure accounts; and authorizing the City Manager to implement said budget amendment; and

WHEREAS, the Airport Director recommends that the City Council approve the proposed budget amendment to the City of Laredo FY 2003-2004 Airport Fund, Noise Abatement Fund, and Airport Construction Fund to recognize the additional revenue and to appropriate like expenditures to include local match to said grants, in furtherance of the development of the Laredo International Airport and as a support to the maintenance and operation of the Laredo International Airport.

WHEREAS, the City Council of the City of Laredo finds that said budget amendment is in the best interest of the City of Laredo; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The City Manager be and is hereby authorized to amend the City of Laredo FY 2003-2004 Airport Budget, Noise Abatement Budget and Airport Construction Budget to recognize the additional revenues from two Federal Aviation Administration Airport Improvement Program Grants: Project No. 3-48-0136-40-04 in the amount of \$6,000,000.00 for acquisition of residential structures, sound insulate residences and acquire avigation easements and Project No. 3-48-0136-41-04 in the amount of 3-38-0136-41-04 in the amount of \$4,276,134.00 for construction of Engineered Materials Arresting System for Runway 35L, rehabilitate portion of Taxiway System and construct cargo pads at the Laredo International Airport and appropriating said grant revenue in the Noise Abatement and Airport Construction fund and local match in the amount of \$540,850 from the opening fund balance to the appropriate expenditure accounts; and authorizing the City Manager to implement said budget amendment.

Section 2: This Ordinance shall become effective upon passage hereof.

PASSED BY THE CITY COUNCIL AND APROVED BY THE MAYOR ON
THIS THE ____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME L. FLORES
CITY ATTORNEY

BY: Valeria M. Acevedo
VALERIA M. ACEVEDO
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: FINAL READING OF ORDINANCE 2204-O-103 Authorizing the City Manager to execute a one (1) year lease agreement between the City of Laredo Parks and Recreation Department and "Escuela de Futbol Soccer Americas Laredo" for use of two (2) soccer fields at the southern area of Father McNaboe Park formerly known as River Oaks Park for a fee of \$200.00 per month plus the cost of utilities. The primary purpose of this agreement is to institute a soccer program for the youth of Laredo with the understanding that the fields are open for public use during non – program hours.	
INITIATED BY: Larry Dovalina City Manager		STAFF SOURCE: Horacio De Leon, Jr. Parks and Recreation Director
PREVIOUS COUNCIL ACTION: City Council held a public hearing and approved the lease agreement on April 19, 2004.		
BACKGROUND: The "Escuela de Futbol Soccer Americas Laredo" is a branch of a renowned professional Mexican soccer league well-regarded world-wide. This soccer school is newly operational in the City of Laredo and is offering the youth of the city an opportunity to receive professional instructional training in the sport of soccer. As the sport of soccer has grown in popularity with the many Laredoans both young and old, this proposed soccer program would provide a great training ground for young developing soccer players to increase their skill level.		
FINANCIAL IMPACT: Revenues collected from this lease agreement will be reflected in General Fund account number 101-0000-361-2011.		
COMMITTEE RECOMMENDATION: N/A		STAFF RECOMMENDATION: Recommends approval.

ORDINANCE 2004-O-103

AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE (1) YEAR LEASE AGREEMENT BETWEEN THE CITY OF LAREDO PARKS AND RECREATION DEPARTMENT AND "ESCUELA DE FUTBOL SOCCER AMERICAS LAREDO" FOR USE OF TWO (2) SOCCER FIELDS AT THE SOUTHERN AREA OF FATHER MCNABOE PARK FORMERLY KNOWN AS RIVER OAKS PARK FOR A FEE OF \$200.00 PER MONTH PLUS THE COST OF UTILITIES. THE PRIMARY PURPOSE OF THIS AGREEMENT IS TO INSTITUTE A SOCCER PROGRAM FOR THE YOUTH OF LAREDO WITH THE UNDERSTANDING THAT THE FIELDS ARE OPEN FOR PUBLIC USE DURING NON – PROGRAM HOURS.

WHEREAS, the "Escuela de Futbol Soccer Americas Laredo" is a branch of a highly regarded Mexican soccer league known world-wide; and

WHEREAS, the sport of soccer has grown in popularity with many Laredoans both young and old; and

WHEREAS, this soccer school is offering the youth of Laredo an opportunity to receive professional instructional soccer training; and

WHEREAS, professional soccer training will provide young players an opportunity to increase their skill levels, ultimately becoming better players.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The City Manager is authorized to execute a one (1) year lease agreement between the City of Laredo Parks and Recreation Department and the "Escuela de Futbol Soccer Americas Laredo" for use of two soccer fields for a fee of \$200.00 per month.

Section 2: This ordinance shall take effect as and from the date of passage.

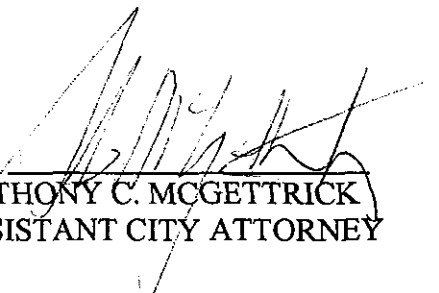
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE
_____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME L. FLORES
CITY ATTORNEY

BY: 

ANTHONY C. MCGETTRICK
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 05/03/2004	SUBJECT: FINAL READING # 2004-O-104 Accepting a grant awarded and amending the City of Laredo FY 2003-2004 budget by decreasing revenues and expenses in the amount of \$16,454 to reflect the actual grant amount of \$637,267 awarded by the Office of the National Drug Control Policy (ONDCP) High Intensity Drug Trafficking Area (HIDTA), at no cost to the city, to fund the Laredo Financial Task Force. Funds will be used to pay personnel salaries, travel and operational expenses from January 1, 2004 through December 31, 2004. Accepting a grant awarded and amending the City of Laredo FY 2003-2004 budget by increasing revenues and expenses in the amount of \$49,916 to reflect the actual grant amount of \$99,916 awarded by the Office of the National Drug Control Policy (ONDCP) High Intensity Drug Trafficking Area (HIDTA), at no cost to the city, to fund the STX Multi-Agency Drug Related Corruption Task Force (account #229-2327). Funds will be used to pay overtime, fringe benefits and operational expenses from January 1, 2004 through December 31, 2004.
INITIATED BY: STAFF SOURCE: Cynthia Collazo, Assistant City Manager Agustin Dovalina, III, Chief of Police	
PREVIOUS COUNCIL ACTION: Council passed the Public Hearing / Introductory Ordinance on April 19, 2004.	
BACKGROUND: The City of Laredo has been the Grantee agency for the past thirteen years for the South Texas High Intensity Drug Trafficking Area (ST HIDTA) Laredo Police Multi-Agency Financial Disruption Task Force. The Task Force works together with other Local, State and Federal Agencies, with its main focus being the identification and disruption/dismantling of Major Drug Trafficking Organizations. Funds under the original grant pay for personnel salaries, overtime, fringe benefits, travel and operating expenses. The grant is 100% federally funded by the Office of the National Drug Control Policy (ONDCP) High Intensity Drug Trafficking Area (HIDTA).	

FINANCIAL SECTION:

Fund 223	Original Budget	Proposed Amended Budget	Proposed Budget Amendment
REVENUES:			
Financial TF 2004	\$ 653,721	\$ 637,267	(\$16,454)
TOTAL REVENUES	\$ 653,721	\$637,267	(\$16,454)
EXPENDITURES:			
Financial TF 2004	\$ 653,721	\$ 637,267	(\$16,454)
TOTAL EXPENDITURES	\$ 653,721	\$ 637,267	(\$16,454)

Fund 229	Original Budget	Proposed Amended Budget	Proposed Budget Amendment
REVENUES:			
Public Corruption TF 2004	\$ 50,000	\$ 99,916	\$ 49,916
TOTAL REVENUES	\$ 50,000	\$ 99,916	\$ 49,916
EXPENDITURES:			
Public Corruption TF 2004	\$ 50,000	\$ 99,916	\$ 49,916
TOTAL EXPENDITURES	\$ 50,000	\$ 99,916	\$ 49,916

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Recommends Pass and Approve this Ordinance.

Ordinance 2004-O-104

ACCEPTING A GRANT AWARDED AND AMENDING THE CITY OF LAREDO FY 2003-2004 BUDGET BY DECREASING REVENUES AND EXPENSES IN THE AMOUNT OF \$16,454 TO REFLECT THE ACTUAL GRANT AMOUNT OF \$637,267 AWARDED BY THE OFFICE OF THE NATIONAL DRUG CONTROL POLICY (ONDCP) HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA), AT NO COST TO THE CITY, TO FUND THE LAREDO FINANCIAL TASK FORCE. FUNDS WILL BE USED TO PAY PERSONNEL SALARIES, TRAVEL AND OPERATIONAL EXPENSES FROM JANUARY 1, 2004 THROUGH DECEMBER 31, 2004.

ACCEPTING A GRANT AWARDED AND AMENDING THE CITY OF LAREDO FY 2003-2004 BUDGET BY INCREASING REVENUES AND EXPENSES IN THE AMOUNT OF \$49,916 TO REFLECT THE ACTUAL GRANT AMOUNT OF \$99,916 AWARDED BY THE OFFICE OF THE NATIONAL DRUG CONTROL POLICY (ONDCP) HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA), AT NO COST TO THE CITY, TO FUND THE STX MULTI-AGENCY DRUG RELATED CORRUPTION TASK FORCE (ACCOUNT #229-2327). FUNDS WILL BE USED TO PAY OVERTIME, FRINGE BENEFITS AND OPERATIONAL EXPENSES FROM JANUARY 1, 2004 THROUGH DECEMBER 31, 2004.

Whereas, the City Council previously adopted the budget for fiscal year 2003-2004; and

Whereas, 100% of the grant funds are federally funded by the Office of the National Drug Control Policy through the High Intensity Drug Trafficking Area; and

Whereas, funds will be used to pay personnel salaries for one (1) Laredo Police Sergeant, one (1) Laredo Police Investigator, one (1) Laredo Police Officer, two (2) Zapata County Investigators, one (1) Webb County Sheriff investigator, one (1) full-time Administrative Assistant II, one (.5) custodian and for travel and operating expenses for the above, plus two (2) additional Investigators (DPS); and

Whereas, the described transfer below are done pursuant to the requirements of Section 6.08 of the City Charter.

Whereas, the City of Laredo full time equivalents for 223-2338 reflects: (1) Sergeant, (1) Investigator, (1) Officer, (1) Administrative Assistant II and one (.5) custodian.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: the Laredo Financial Disruption Task Force and STX Multi-Agency Drug Related Public Corruption Task Force grant be accepted in the amount of \$737,183.

Section 2: Amending the City of Laredo FY 2004 Financial Task Force Budget by decreasing in the amount of \$16,454 to fund the Laredo Financial Disruption Task Force and amend the Special Police Budget in the amount of \$49,916 to fund the STX Multi-Agency Drug Related Public Corruption Task Force. Funds will be used to pay for personnel salaries, travel and operational expenses beginning January 1, 2004 through December 31, 2004.

Section 3: The City of Laredo full time equivalents for 223-2338 reflects:

one (1) Sergeant, one (1) Investigator, one (1) Officer, one (1) Administrative Assistant II and one (.5) custodian.

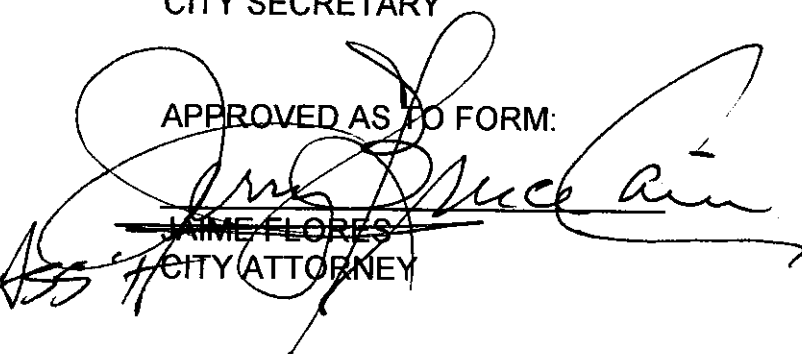
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE
_____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:



JAIME FLORES
CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: A RESOLUTION NO. 2004-R-036 AUTHORIZING THE CITY MANAGER TO ENTER INTO A FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$3,246,590 FOR THE WEST LAREDO MULTIMODAL TRADE CORRIDOR PHASE II PROJECT. THE FEDERAL CONTRIBUTION IS \$2,597,272 AND THE CITY'S CONTRIBUTION OF \$649,318.00 AND FUNDING IS AVAILABLE IN THE CAPITAL IMPROVEMENT FUND. THE FEDERAL CONTRIBUTION FOR THIS PROJECT IS PART OF THE \$3,500,000 AWARD THROUGH THE NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM/COORDINATED BORDER INFRASTRUCTURE PROGRAM.																																																						
INITIATED BY: Cynthia Collazo, Assistant City Manager		STAFF SOURCE: Keith Selman, Director of Planning																																																					
PREVIOUS COUNCIL ACTION: None																																																							
BACKGROUND: <p>The West Laredo Multimodal Trade Corridor will facilitate the movement of commerce within the City and expedite the movement of loaded cargo to and from Mexico. The City of Laredo was awarded \$3.5 million through the National Corridor Planning and Development Program/ Coordinated Border Infrastructure Program for the development of the West Laredo Multimodal Trade Corridor Phase II, which includes the environmental assessment, design and right of way acquisition for the Calton Road Railroad Grade Separation and the environmental assessment, design, right of way acquisition and construction of the Realignment of the Las Cruces/ Flecha Lane Intersection. The estimated funding breakdown is as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Description</th> <th style="text-align: right;">Total Cost</th> <th style="text-align: right;">Federal</th> <th style="text-align: right;">Local</th> </tr> </thead> <tbody> <tr> <td>PS&E (realignment)</td> <td style="text-align: right;">88,400</td> <td style="text-align: right;">70,720</td> <td style="text-align: right;">17,680</td> </tr> <tr> <td>PS&E (Calton overpass)</td> <td style="text-align: right;">750,000</td> <td style="text-align: right;">600,000</td> <td style="text-align: right;">150,000</td> </tr> <tr> <td>State plan review</td> <td style="text-align: right;">83,840</td> <td style="text-align: right;">67,072</td> <td style="text-align: right;">16,768</td> </tr> <tr> <td>Environmental assessment</td> <td style="text-align: right;">250,000</td> <td style="text-align: right;">200,000</td> <td style="text-align: right;">50,000</td> </tr> <tr> <td>Utility adjustment (realignment)</td> <td style="text-align: right;">30,000</td> <td style="text-align: right;">24,000</td> <td style="text-align: right;">6,000</td> </tr> <tr> <td>Utility adjustment (Calton overpass)</td> <td style="text-align: right;">240,000</td> <td style="text-align: right;">192,000</td> <td style="text-align: right;">48,000</td> </tr> <tr> <td>Right of way (realignment)</td> <td style="text-align: right;">40,700</td> <td style="text-align: right;">32,560</td> <td style="text-align: right;">8,140</td> </tr> <tr> <td>Right of way (Calton overpass)</td> <td style="text-align: right;">1,000,000</td> <td style="text-align: right;">800,000</td> <td style="text-align: right;">200,000</td> </tr> <tr> <td>Construction (realignment)</td> <td style="text-align: right;">707,150</td> <td style="text-align: right;">565,720</td> <td style="text-align: right;">141,430</td> </tr> <tr> <td>Construction engineering (realignment)</td> <td style="text-align: right;">49,500</td> <td style="text-align: right;">39,600</td> <td style="text-align: right;">9,900</td> </tr> <tr> <td>State construction oversight</td> <td style="text-align: right;">7,000</td> <td style="text-align: right;">5,600</td> <td style="text-align: right;">1,400</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">3,246,590</td> <td style="text-align: right;">2,597,272</td> <td style="text-align: right;">649,318</td> </tr> </tbody> </table>				Description	Total Cost	Federal	Local	PS&E (realignment)	88,400	70,720	17,680	PS&E (Calton overpass)	750,000	600,000	150,000	State plan review	83,840	67,072	16,768	Environmental assessment	250,000	200,000	50,000	Utility adjustment (realignment)	30,000	24,000	6,000	Utility adjustment (Calton overpass)	240,000	192,000	48,000	Right of way (realignment)	40,700	32,560	8,140	Right of way (Calton overpass)	1,000,000	800,000	200,000	Construction (realignment)	707,150	565,720	141,430	Construction engineering (realignment)	49,500	39,600	9,900	State construction oversight	7,000	5,600	1,400	Total	3,246,590	2,597,272	649,318
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FINANCIAL IMPACT: Project savings in CIP Fund.																																																							
COMMITTEE RECOMMENDATION: Not applicable.		STAFF RECOMMENDATION: Staff recommends approval.																																																					

RESOLUTION NO. 2004-R-036

AUTHORIZING THE CITY MANAGER TO ENTER INTO A FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$3,246,590 FOR THE WEST LAREDO MULTIMODAL TRADE CORRIDOR PHASE II PROJECT

WHEREAS, the City of Laredo continues to experience unprecedented growth in population, trade, industry, tourism, and economic development; and,

WHEREAS, the West Laredo Multimodal Trade Corridor will facilitate the movement of commerce within the City and expedite the movement of loaded cargo to and from Mexico; and,

WHEREAS, the City of Laredo was awarded \$3.5 million through the National Corridor Planning and Development Program/ Coordinated Border Infrastructure Program for the development of the West Laredo Multimodal Trade Corridor Phase II;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAREDO, TEXAS THAT:

Section 1: **AUTHORIZING THE CITY MANAGER TO ENTER INTO A FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$3,246,590 FOR THE WEST LAREDO MULTIMODAL TRADE CORRIDOR PHASE II PROJECT.**

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS _____ DAY OF _____ 2004.

ELIZABETH G. FLORES
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:



JAIME FLORES
CITY ATTORNEY

STATE OF TEXAS §
COUNTY OF TRAVIS §

**LOCAL TRANSPORTATION PROJECT
ADVANCE FUNDING AGREEMENT
For A
Federal Discretionary Fund Project**

THIS AGREEMENT (the Agreement) is made by and between the State of Texas, acting by and through the Texas Department of Transportation hereinafter called the "State", and the City of Laredo, acting by and through its duly authorized officials, hereinafter called the "Local Government."

WITNESSETH

WHEREAS, the Intermodal Surface Transportation and Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for the 21st Century (TEA-21) codified under Title 23 U.S.C. Section 101 et seq., authorize transportation programs to meet the challenges of protecting and enhancing communities and the natural environment and advancing the nation's economic growth and competitiveness; and

WHEREAS, ISTEA and TEA-21 establish federally funded programs for transportation improvements to implement its public purposes; and

WHEREAS, the Texas Transportation Code, Sections 201.103 and 222.052 establish that the State shall design, construct and operate a system of highways in cooperation with local governments; and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds; and

WHEREAS, with the passage of the Transportation appropriations bill on February 20, 2003, the Texas Department of Transportation received several earmarked projects including \$3.5 million in Federal funds under the National Corridor Planning and Development Program/Coordinated Border Infrastructure Program for the West Laredo Multimodal Trade Corridor; and,

WHEREAS, the Local Government will use any unused funds from the \$3.5 million on future West Laredo Multimodal Trade Corridor projects; and,

WHEREAS, on February 28, 2002 the Texas Transportation Commission passed Minute Order 108815, authorizing the State to undertake and complete a highway improvement generally described as the West Laredo Multimodal Trade Corridor and,

WHEREAS, the Governing Body of the Local Government has approved entering into this Agreement by resolution or ordinance which is attached hereto and made a part hereof as Attachment "A"; and,

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

AGREEMENT

1. Period of the Agreement

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided below.

2. Scope of Work

- (1) The realignment of the intersection of Las Cruces Drive and Flecha Lane along FM 1472 as shown on Attachment "B"; which consist of design, right of way acquisitions, utility relocation and construction work and,
- (2) The preliminary engineering work for a grade separation at the Calton Road and San Maria Avenue intersection as shown on Attachment "B", which consists of design, right of way acquisition, and utility relocation work; and,
- (3) The Environmental Assessment for phase I and phase II of the West Laredo Multimodal Trade Corridor as shown on Attachment "B".

3. Local Project Sources and Uses of Funds

- a. The total estimated cost of the Project is shown in the Project Budget - Attachment "C" which is attached hereto and made a part hereof. The expected cash contributions from the federal or State government, the Local Governments, or other parties is shown in Attachment "C". The State will pay for only those project costs that have been approved by the Texas Transportation Commission. The total cost to complete the Project is estimated at \$3,246,590.00. The State will be responsible for securing the Federal share of the funding required for the development and construction of the Project not to exceed 80% of the actual cost or the Project Federal limit of \$2,597,272.00, whichever is less. The Local Government will be responsible for any non-federal participation cost associated with the Project.
- b. This project cost estimate shows how necessary resources for completing the project will be provided by major cost categories. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
- c. The State will be responsible for securing the Federal share of the funding required for the development and construction of the Project not to exceed 80% of the actual cost or the Project Federal limit of \$2,597,272.00, whichever is less. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
- d. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, including any overruns in excess of the approved local project budget unless approved otherwise in an amendment to this Agreement.
- e. Prior to the performance of any engineering review work by the State, the Local Government will remit a check or warrant made payable to the "Texas Department of Transportation" in the amount specified in Attachment C. The Local Government will pay at a minimum its funding

share for the estimated cost of preliminary engineering review by the State for the project estimated at \$83,840.00. The Local Government will submit to the State all documentation relating to the actual cost incurred associated for preliminary engineering review work by the State on the project. Reasonable costs incurred by the Local Government after the Local Government has obtained written authorization from the State will be eligible for reimbursement at an amount not to exceed eighty percent (80%) or \$2,597,272.00, whichever is less, of the actual State's preliminary engineering review cost incurred in the project. The Local Government will submit a Request for Reimbursement Form 132-A to the State so that it may receive reimbursement.

- f. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight cost estimated at \$7,000.00. The Local Government will submit to the State all documentation relating to the actual cost incurred associated for construction oversight cost by the State on the project. Reasonable costs incurred by the Local Government after the Local Government has obtained written authorization from the State will be eligible for reimbursement at an amount not to exceed eighty percent (80%) or \$2,597,272.00, whichever is less, of the actual State construction oversight cost incurred in the project. The Local Government will submit a Request for Reimbursement Form 132-A to the State so that it may receive reimbursement.
- g. In the event the State determines that additional funding is required by the Local Government at any time during the Project, the State will notify the Local Government in writing. The Local Government will make payment to the State within thirty (30) days from receipt of the State's written notification.
- h. Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due to the Local Government, the State, or the Federal government will be promptly paid by the owing party.
- i. The State will not pay interest on any funds provided by the Local Government.
- j. If a waiver has been granted, the State will not charge the Local Government for the indirect costs the State incurs on the local project, unless this Agreement is terminated at the request of the Local Government prior to completion of the project.
- k. If the project has been approved for a "fixed price" or an "incremental payment" non-standard funding or payment arrangement under 43 TAC §15.52, the budget in Attachment "C" will clearly state the amount of the fixed price or the incremental payment schedule.
- l. The Texas Comptroller of Public Accounts has determined that certain counties qualify as Economically Disadvantaged Counties in comparison to other counties in the state as below average per capita property value, and below average per capita income, and above average unemployment, for certain years. This Agreement reflects adjustments to the standard financing arrangement based on this designation.
- m. The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds.

The State will not execute the contract for the construction of the project until the required funding has been made available by the Local Government in accordance with this Agreement.

4. Termination of this Agreement

This Agreement shall remain in effect until the project is completed and accepted by all parties, unless:

- a. the Agreement is terminated in writing with the mutual consent of the parties, or;
- b. because of a breach of this Agreement. Any cost incurred due to a breach of contract shall be paid by the breaching party.
- c. After the PS&E the Local Government may elect not to provide the funding and the Project does not proceed because of insufficient funds; the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the project.

5. Amendments

Amendments to this Agreement due to changes in the character of the work or terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

6. Remedies

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

7. Utilities

If the required right of way encroaches upon existing utilities and the proposed project requires their adjustment, removal or relocation, the Local Government will be responsible for determining the scope of utility work and notify the appropriate utility company to schedule adjustments.

The Local Government shall be responsible for the adjustment, removal or relocation of utility facilities in accordance with applicable State laws, regulations, rules, policies and procedures. This includes, but is not limited to: 43 TAC §15.55 relating to Construction Cost Participation; 43 TAC §21.21 relating to State Participation in Relocation, Adjustment, and/or Removal of Utilities; and, 43 TAC§ 21.31 et seq. relating to Utility Accommodation. The Local Government will be responsible for all costs associated with additional adjustment, removal, or relocation during the construction of the project, unless this work is provided by the owners of the utility facilities:

- a. per agreement;
- b. per applicable statutes or rules, or;
- c. as specified otherwise in this Agreement.

The Local Government will submit to the State all documentation relating to the actual cost incurred associated for Utility adjustment on the project. Reasonable costs incurred by the Local Government after the Local Government has obtained written authorization from the State will be eligible for reimbursement at an amount not to exceed eighty percent (80%) or \$2,597,272.00, whichever is less, of the actual Utility adjustment cost incurred in the project. The Local Government will submit a Request for Reimbursement Form 132-A to the State so that it may receive reimbursement.

Prior to letting a construction contract for the Project, a utility certification must be made available to the State upon request stating that all utilities needing to be adjusted for completion of the construction activity have been adjusted.

8. Environmental Assessment and Mitigation

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects.

- a. The Local Government is responsible for the identification and assessment of any environmental problems associated with the development of a local project governed by this Agreement.
- b. The Local Government is responsible for the cost of any environmental problem's mitigation and remediation. The Local Government will be reimbursed its eligible cost for Environmental Assessment and Mitigation cost up to an amount not to exceed eighty percent (80%) or \$2,597,272.00, whichever is less, of the actual Environmental Assessment and Mitigation. Eligible costs incurred by the Local Government after the Local Government has obtained written authorization from the State will be eligible for reimbursement. The Local Government will submit a Request for Reimbursement Form 132-A to the State so that it may receive reimbursement.
- c. The Local Government is responsible for providing any public meetings or public hearings required for development of the environmental assessment.
- d. The Local Government shall provide the State with written certification from appropriate regulatory agency(ies) that identified environmental problems have been remedied.

9. Compliance with Texas Accessibility Standards and ADA

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with the Texas Accessibility Standards (TAS) issued by the Texas Department of Licensing and Regulation, under the Architectural Barriers Act, Article 9102, Texas Civil Statutes. The TAS establishes minimum accessibility requirements to be consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

10. Architectural and Engineering Services

The Local Government has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable State's *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges*, and the special specifications and special provisions related thereto.

In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases.

Professional services contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by disadvantaged business enterprises (DBEs), ADA, and environmental matters.

The Local Government shall submit the completed architectural contract documents to the State for review and approval. Should the State determine that revisions are required to the contract document, the Local Government shall make the necessary revisions. The Local Government will not let the construction contract until the architectural contract documents have been approved by the State.

The Local Government will submit to the State all documentation relating to the actual costs incurred associated with Architectural and Engineering Services. Eligible costs incurred by the Local Government after the Local Government has obtained written authorization from the State will be eligible for reimbursement at an amount not to exceed eighty percent (80%) or \$2,597,272.00, whichever is less, of the actual cost for Architectural and Engineering Service. Eligible costs incurred by the Local Government after the Local Government has obtained written authorization from the State will be eligible for reimbursement. The Local Government will submit a Request for Reimbursement Form 132-A to the State so that it may receive reimbursement for the Architectural and Engineering Services.

11. Construction Responsibilities

- a. The Local Government shall advertise for construction bids, issue bid proposals, receives and tabulate the bids and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders, which may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction. Any additional work must receive prior approval from the State to be eligible for reimbursement. The Local Government will submit to the State all documentation relating to the actual costs incurred associated with construction of the project. Eligible costs incurred by the Local Government after the Local Government has obtained written authorization from the State will be eligible for reimbursement at an amount not to exceed eighty percent (80%) or \$2,597,272.00, whichever is less, of the actual construction cost. Eligible costs incurred by the Local Government after the Local Government has obtained written authorization from the State will be eligible for reimbursement. The Local Government will submit a Request for Reimbursement Form 132-A to the State so that it may receive reimbursement for construction of the Project.
- b. The Local Government will use its approved contract letting and award procedures after obtaining authorization from the State to let and award the construction contract.
- c. Prior to their execution, the State will be given the opportunity to review contract.
- d. Upon completion of the Project, the party constructing the project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion.
- e. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Part B.

12. Project Maintenance

The Local Government shall be responsible for maintenance of locally owned roads after completion of the work and the State shall be responsible for maintenance of state highway

system after completion of the work if the work was on the state highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

13. Right of Way and Real Property

The Local Government is responsible for the appraisal, provision and acquisition of any needed right of way or real property. The Local Government will be reimbursed for eligible Right of Way cost on the Project. The Local Government will submit to the State all documentation relating to the actual costs incurred associated with the appraisal, provision and acquisition of any needed right of way or real property for the Project. Eligible cost incurred by the Local Government after the Local Government has obtained written authorization from the State will be eligible for reimbursement up to eighty percent (80%) or \$2,597,272.00, whichever is less, of the actual Right of Way cost. The Local Government will submit a Request for Reimbursement Form 132-A to the State so that it may receive reimbursement for the appraisal, provision and acquisition of any needed Right of Way and Real Property.

Title to right of way and other related real property must be acceptable to the State before funds may be expended for the improvement of the right of way or real property.

If the Local Government is the owner of any part of a project site under an agreement, the Local Government shall permit the State or its authorized representative access to occupy the site to perform all activities required to execute the work under the agreement.

The Local Government will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Local Government, and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to the State and its representatives for review and inspection.

If the local government purchases right of way for a local government street, title will be acquired in the name of the local government in accordance with applicable laws unless specifically stated otherwise in the LPAFA and approved by the State.

14. Notices

All notices to either party by the other required under this Agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to such party at the following addresses:

Local Government: _____ Mr. Larry Dovalina _____ _____ City Manager of Laredo _____ _____ P.O. Box 579 _____ _____ Laredo, Texas 78042 _____	State: _____ Mr. Luis A. Ramirez, P.E. _____ _____ Laredo District Engineer _____ _____ 1817 Bob Bullock Loop _____ _____ Laredo, Texas 78043 _____
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All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices shall be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

15. Legal Construction

In case one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal or unenforceable provision.

16. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

17. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State in the form of photocopy reproduction on a monthly basis as required by the State. The originals shall remain the property of the Local Government.

18. Compliance with Laws

The parties shall comply with all Federal, State, and Local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

19. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

20. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in OMB Circular A-87 that specify that all reimbursed costs are allowable, reasonable and allocable to the Project.

21. Procurement and Property Management Standards

The parties shall adhere to the procurement standards established in Title 49 CFR §18.36 and with the property management standard established in Title 49 CFR §18.32.

22. Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the Federal Highway Administration (FHWA), and the U.S. Office of the Inspector General, or their duly authorized representatives for review and inspection at its office during the contract period and for four (4) years from the date of completion of work defined under this contract or until any impending litigation, or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

23. Office of Management and Budget (OMB) Audit Requirements

The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in OMB Circular A-133.

24. Civil Rights Compliance

The Local Government shall comply with the regulations of the Department of Transportation as they relate to nondiscrimination (49 CFR Chapter 21 and 23 CFR §710.405(B)), and Executive Order 11246 titled "Equal Employment Opportunity," as amended by Executive Order 11375 and supplemented in the Department of Labor Regulations (41 CFR Part 60).

25. Disadvantaged Business Enterprise Program Requirements

The parties shall comply with the Disadvantaged/Minority Business Enterprise Program requirements established in 49 CFR Part 26.

26. Debarment Certifications

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." The parties to this contract shall require any party to a subcontract or purchase order awarded under this contract to certify its eligibility to receive Federal funds and, when requested by the State, to furnish a copy of the certification in accordance with Title 49 CFR Part 29 (Debarment and Suspension).

27. Lobbying Certification

In executing this Agreement, the signatories certify to the best of his or her knowledge and belief, that:

- a. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of

Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

- c. The parties shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

By executing this Agreement, the parties affirm this lobbying certification with respect to the individual projects and affirm this certification of the material representation of facts upon which reliance will be made. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352.

Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

28. Signatory Warranty

The signatories to this Agreement warrant that each has the authority to enter into this Agreement on behalf of the party represented.

IN TESTIMONY HEREOF, the parties hereto have caused these presents to be executed in duplicate counterparts.

THE LOCAL GOVERNMENT

Name

Printed Name and Title

Date

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

Janice Mullenix
Director of Contract Services Section
Office of General Counsel
Texas Department of Transportation

Date

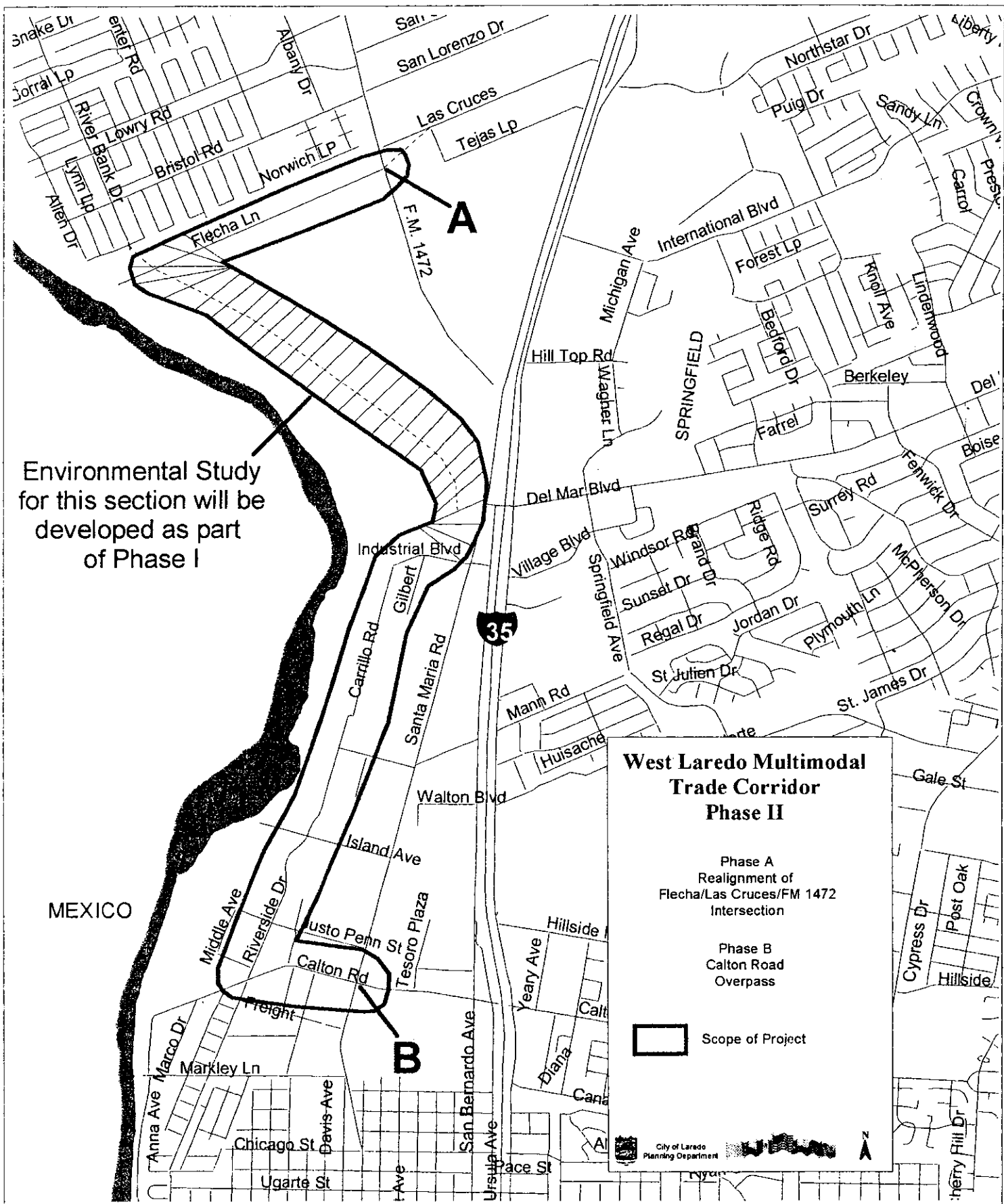
ATTACHMENT A

Resolution or Ordinance

County Name: Webb County
CSJ: 0922-33-076
Project Name: West Laredo
Multimodal Trade Corridor
(Phase II)

ATTACHMENT B

Location Map Showing Project




Environmental Study
for this section will be
developed as part
of Phase I


**West Laredo Multimodal
Trade Corridor
Phase II**

Phase A
Realignment of
Flecha/Las Cruces/FM 1472
Intersection

Phase B
Calton Road
Overpass

 Scope of Project

City of Laredo
Planning Department



ATTACHMENT C Project Budget

The State will be responsible for securing the Federal share of the funding required for the development and construction of the Project not to exceed 80% of the actual cost or the Project Federal limit of \$2,597,272.00, whichever is less. The Local Government has provided the estimate used on this project for the table below. The Local Government is responsible for all project costs that exceed the Federal Project limit of \$2,597,272.00. The Local Government shall provide to the State its share of the State's Plan Review Cost (\$83,840.00). The Local Government shall also provide to the State its share of the State's Construction Oversight Cost (\$7,000.00). The Local Government shall be responsible for any cost overruns or non-Federal participation costs associated with this project.

Description	Total Estimate Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Plans, Specifications & Engineering (realignment)	\$88,400.00	80%	\$70,720.00	0%	\$0.00	20%	\$17,680.00
Plans, Specifications & Engineering (Calton Overpass)	\$750,000.00	80%	\$600,000.00	0%	\$0.00	20%	\$150,000.00
State Plan Review	\$83,840.00	80%	\$67,072.00	0%	\$0.00	20%	\$16,768.00
Environmental Assessment & Mitigation (West Laredo Corridor)	\$250,000.00	80%	\$200,000.00	0%	\$0.00	20%	\$50,000.00
Utility Adjustment (realignment)	\$30,000.00	80%	\$24,000.00	0%	\$0.00	20%	\$6,000.00
Utility Adjustment (Calton Overpass)	\$240,000.00	80%	\$192,000.00	0%	\$0.00	20%	\$48,000.00
ROW Appraisal, Survey, Map and Acquisition (realignment)	\$40,700.00	80%	\$32,560.00	0%	\$0.00	20%	\$8,140.00
ROW Appraisal, Survey, Map and Acquisition (Calton Overpass)	\$1,000,000.00	80%	\$800,000.00	0%	\$0.00	20%	\$200,000.00
Construction (realignment)	\$707,150.00	80%	\$565,720.00	0%	\$0.00	20%	\$141,430.00
Construction Engineering (realignment)	\$49,500.00	80%	\$39,600.00	0%	\$0.00	20%	\$9,900.00
State Construction Oversight	\$7,000.00	80%	\$5,600.00	0%	\$0.00	20%	\$1,400.00
TOTAL	\$3,246,590.00		\$2,597,272.00		\$0.00		\$649,318.00

State's Plan Review Cost and Engineering and contingencies charges will be based on actual charges.
 Local Government's Up Front Local Participation = \$90,840.00 (for State plan review and Construction oversight)

The Local Government will pay at a minimum its funding share for the estimated cost of preliminary engineering review by the State for the project estimated at \$83,840.00.

At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight cost estimated at \$7,000.00.

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: RESOLUTION RESCINDING THE BUFFER ZONE AGREEMENT OF AUGUST 13, 1990, PERTAINING TO PLANNED IMPROVEMENTS AT THE NORTH LAREDO WASTEWATER TREATMENT PLANT AND THE ABANDONMENT OF THE EXISTING SOUTH EFFLUENT POND.	
INITIATED BY: Larry Dovalina, City Manager		STAFF SOURCE: Pablo G. Martinez, Interim Utilities Director
PREVIOUS COUNCIL ACTION: Resolution No. 90-R-70 was approved on August 6, 1990 which authorized the original buffer zone agreement.		
BACKGROUND: Due to the improvements to the North Laredo Wastewater Treatment Plant and the abandonment of the existing south effluent pond, the buffer zone created in 1990 is no longer necessary. Staff is recommending the removal of the buffer zone since it is no longer necessary. The rescission will be recorded in official property records of Webb County, Texas.		
FINANCIAL IMPACT: N/A		
COMMITTEE RECOMMENDATION: N/A		STAFF RECOMMENDATION: Approval of this resolution.

RESOLUTION NO. 2004-R-038

RESCINDING THE BUFFER ZONE AGREEMENT OF AUGUST 13, 1990, PERTAINING TO PLANNED IMPROVEMENTS AT THE NORTH LAREDO WASTEWATER TREATMENT PLANT AND THE ABANDONMENT OF THE EXISTING SOUTH EFFLUENT POND.

WHEREAS, on August 6, 1990 the City Council approved and executed a Buffer Zone Agreement as part of planned improvements at the North Laredo Sewage Treatment Plant under the authority of Resolution No. 90-R-70; and

WHEREAS, said improvements have been constructed and the buffer zone agreement which is recorded in Vol. 1445, pp. 766-771, official property records of Webb County, Texas, is no longer required.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

1. The Buffer Zone Agreement dated August 13, 1990, a copy of which is attached as Exhibit A, be and is hereby rescinded.
2. A certified copy of this resolution, including its Exhibit A, shall be filed of record in official property records of Webb County, Texas.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE ____ DAY OF _____, 2004.

Elizabeth G. Flores
Mayor

ATTEST:

Gustavo Guevara, City Secretary

APPROVED AS TO FORM:
Jaime L. Flores, City Attorney

By: Valeria M. Acevedo
Valeria M. Acevedo
Assistant City Attorney

COUNCIL COMMUNICATION

DATE: 05/03/2004	SUBJECT: RESOLUTION NO. 2004-R-039 Directing publication of Notice of Intention to issue City of Laredo, Texas Combination Tax and Revenue Certificates of Obligation, Series 2004, in the principal amount of \$13,325,000 for paying all or a portion of the City's contractual obligations for the purpose of constructing, repairing and maintaining city streets for the benefit of the Municipal Transit Department, acquiring, constructing, improving and equipping surface municipal parking lots in the City's downtown area, including demolition of existing facilities and purchasing refuse trucks, trash cans and other improvements for the Solid Waste Department, and for the payment of legal, fiscal and engineering fees in connection with such projects.	
INITIATED BY: Larry Dovalina, City Manager		STAFF SOURCE: Pete Tart, McCall Parkhurst & Horton Rosario Camarillo Cabello, Finance Director
PREVIOUS COUNCIL ACTION: Presentation to City Council on April 19, 2004, of the Plan of Finance by Noe Hinojosa of Estrada-Hinojosa & Co., on a proposed sale of various revenue bonds, tax exempt contractual obligation bonds and refunding bond issues.		
BACKGROUND: The City is in the process of financing various projects by issuing a Combination Tax and Revenue Certificates of Obligation, Series 2004 in the principal amount of \$13,325,000. Among the proposed projects include: Constructing, maintaining City Streets, constructing, improving and equipping surface municipal parking lots, purchase of refuse trucks, trash cans and other improvements.		
FINANCIAL IMPACT: Debt Service payment for fiscal year 2005 to be determined at the time of the sale of the Certificates of Obligation.		
COMMITTEE RECOMMENDATION: N/A		STAFF RECOMMENDATION: Approval of this Resolution

RESOLUTION NO. 2004-R-039

DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF LAREDO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2004, IN THE PRINCIPAL AMOUNT OF \$13,325,000 FOR PAYING ALL OR A PORTION OF THE CITY'S CONTRACTUAL OBLIGATIONS FOR THE PURPOSE OF CONSTRUCTING, REPAIRING AND MAINTAINING CITY STREETS FOR THE BENEFIT OF THE MUNICIPAL TRANSIT DEPARTMENT, ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING SURFACE MUNICIPAL PARKING LOTS IN THE CITY'S DOWNTOWN AREA, INCLUDING DEMOLITION OF EXISTING FACILITIES AND PURCHASING REFUSE TRUCKS, TRASH CANS AND OTHER IMPROVEMENTS FOR THE SOLID WASTE DEPARTMENT, AND FOR THE PAYMENT OF LEGAL, FISCAL AND ENGINEERING FEES IN CONNECTION WITH SUCH PROJECTS.

THE STATE OF TEXAS	§
COUNTY OF WEBB	§
CITY OF LAREDO	§

WHEREAS, the City deems it advisable to give notice of intention to issue Combination Tax and Certificates of Obligation, in the amount of \$13,325,000 for paying all or a portion of the City's contractual obligations for the purpose of constructing, repairing and maintaining City Streets for the benefit of the Municipal Transit Department, acquiring, constructing, improving and equipping surface Municipal Parking Lots in the City's Downtown area, including demolition of existing facilities and purchasing refuse trucks, and trash cans and other improvements for the Solid Waste Department, and for the payment of legal, fiscal and engineering fees in connection with such projects.

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed, was open to the public and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAREDO, THAT:

1. That attached hereto is a form of the Notice of Intention to issue Combination Tax and Revenue Certificates of Obligation, the form and substance of which is hereby adopted and approved.
2. That the City Secretary shall cause said notice to be published in substantially the form attached hereto, in a newspaper of general circulation in said City, and published in said City, on the same day in each of two consecutive weeks, the date of the first publication thereof to be at least 14 days prior to the time set for the issuance of such certificates of obligation as shown in said notice.
3. That this Resolution shall become effective immediately upon adoption.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE
3rd DAY OF MAY 2004.

ELIZABETH G. FLORES,
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.,
CITY SECRETARY

APPROVED AS TO FORM:


JAIME L. FLORES.
CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: Resolution No. 2004-R-040 Designating City streets to be constructed, repaired and maintained for the benefit of the Transit System for proposed Revenue Certificates of Obligation, Series 2004 Bonds.	
INITIATED BY: Larry Dovalina, City Manager		STAFF SOURCE: Pete Tart. McCall Parkhurst & Horton
PREVIOUS COUNCIL ACTION: Presentation to City Council on April 19, 2004, of the Plan of Finance by Noe Hinojosa of Estrada-Hinojosa & Co., on a proposed sale of various revenue bonds, tax exempt contractual obligation bonds and refunding bond issues.		
BACKGROUND: The City is in the process of financing various street improvement projects on bus routes by issuing Revenue Certificates of Obligation, Series 2004. Among the proposed projects include: Constructing, reconstructing, maintaining City Streets and constructing sidewalks on existing or proposed bus routes including: <ol style="list-style-type: none">1. Bartlett/Saunders Intersection2. Calton Road Reconstruction from San Bernardo to San Francisco3. Hillside/McPherson Intersection4. Market/Bartlett Intersection5. Stewart/Malinche Intersection6. Santa Maria: Industrial to Del Mar7. Buena Vista/Gustavos Intersection8. Springfield Avenue (6 intersections)9. San Eduardo/Sanchez Intersection10. McPherson widening from Villa to Shiloh11. U.S. 83 @ Cielito Lindo – Bus Bay12. Arkansas/Clark Intersection13. Concord Entrance @ Hwy 35914. Sidewalks along Ejido Avenue – Loop 20 to Pine		
FINANCIAL IMPACT: None		
COMMITTEE RECOMMENDATION:		STAFF RECOMMENDATION: Approval of this resolution

**RESOLUTION DESIGNATING CITY STREETS TO BE CONSTRUCTED,
REPAIRED AND MAINTAINED FOR THE BENEFIT OF THE TRANSIT
SYSTEM FOR PROPOSED REVENUE CERTIFICATES OF OBLIGATION,
SERIES 2004 BONDS**

STATE OF TEXAS	§
COUNTY OF WEBB	§
CITY OF LAREDO	§

WHEREAS, pursuant to Chapter 453 of the Transportation Code, the governing body of the City may designate streets to be used by the Transit Department in its system for which the transit department will undertake such improvements;

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed, was open to the public and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LAREDO, THAT:**

Section 1. That in accordance with Section 453.013, of the Transportation Code, the governing body of the City does designate the streets described in Exhibit A to be constructed repaired and maintained by the transit department as part of the City's transit system

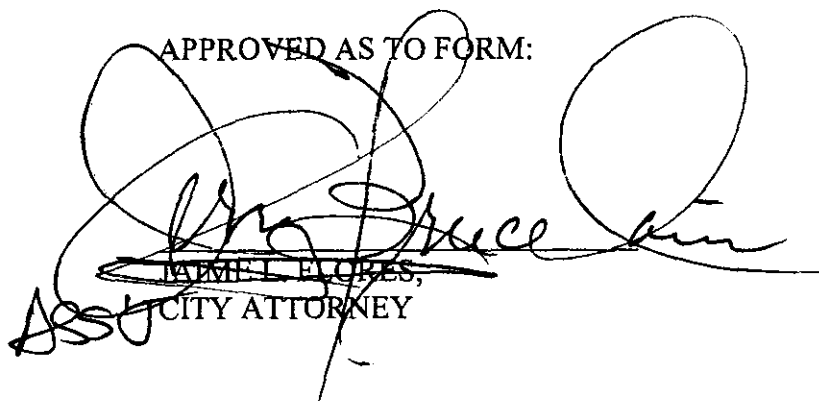
Section 2. That this Resolution shall become effective immediately upon adoption.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR
ON THIS THE 3rd DAY OF MAY, 2004.**

ELIZABETH G. FLORES, MAYOR

GUSTAVO GUEVARA, JR.,
CITY SECRETARY

APPROVED AS TO FORM:



DANIEL FLORES,
CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: MOTIONS Consideration to exercise the renewal option for one additional year for contract number FY03-070 awarded to the LOW BIDDER , Valu Care Cleaners, Laredo, Texas, in the estimated annual amount of \$28,320.00 for providing laundry dry cleaning services for Police Department non uniformed officers. The city must provide dry cleaning service for non uniformed police officers as a condition of the new collective bargaining agreement. Funding is available in the Police Department's budget.														
INITIATED BY: Cynthia Collazo, Assistant City Manager		STAFF SOURCE: Agustin Dovalina, Chief of Police Francisco Meza, Purchasing Agent													
PREVIOUS COUNCIL ACTION: Approved a one year contract on 4/21/03															
BACKGROUND: The City received two bids for an annual contract for dry cleaning services for the Police Department's non uniformed police officers. The term of this contract is for a one year period with an option to renew for one additional year. This is the last option year. The city must provide dry cleaning service for these police uniforms as a condition of the new collective bargaining agreement. These officers have been authorized for dry cleaning of five (5) shirts and five (5) pants every two weeks. The contract pricing is for 89 officers. Staff has reviewed the bids submitted and is recommending that a contract be awarded to low bidder, Valu Care Cleaners. This vendor has two locations within the city limits. Bid Summary <table border="1"><tr><th>Bid Summary</th><th>Monthly Cost</th><th>Contract Total</th></tr><tr><td>Valu Care</td><td>\$2,360.00</td><td>\$28,320.00</td></tr><tr><td>Gateway Cleaners</td><td>\$2,651.46</td><td>\$31,817.50</td></tr></table> <table border="1"><tr><td></td><td>FY04</td></tr><tr><td>Cost per employee per year</td><td>\$318.20</td></tr></table>			Bid Summary	Monthly Cost	Contract Total	Valu Care	\$2,360.00	\$28,320.00	Gateway Cleaners	\$2,651.46	\$31,817.50		FY04	Cost per employee per year	\$318.20
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Gateway Cleaners	\$2,651.46	\$31,817.50													
	FY04														
Cost per employee per year	\$318.20														
FINANCIAL IMPACT: Funds are available in the Police Department's contractual services, linen and laundry service line item budget. Linen and Laundry Service Account Number: 101-2310-523-1800															
COMMITTEE RECOMMENDATION:		STAFF RECOMMENDATION: It is recommended that this contract be approved.													

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: MOTIONS <p>Consideration to award contract FY04-035 to the low bidders, Clark Hardware and Lowe's Home Improvement in the estimated annual amount of \$40,000 for the purchase of plumbing supplies for city maintenance and repair projects.</p> <p>This is an annual contract and all items will be purchased on an as need basis throughout the year for various city departments. Water fountains, water tanks/toilets, plumbing repair parts, and irrigation repair items will be purchased from Clark Hardware. Water heaters will be purchased from Lowe's. Funding is available in the Parks and Recreation Department, Airport, Public Works, Civic Center, Health and Municipal Housing budgets.</p>
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INITIATED BY: Larry Dovalina, City Manager	STAFF SOURCE: Francisco Meza, Purchasing Agent
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PREVIOUS COUNCIL ACTION: None.

BACKGROUND: The City solicited formal bids for awarding an annual contract for the purchase of water fountains, water heaters, and assorted plumbing items such as bathroom repair items, couplings, fittings, and sprinkler repair parts. This contract establishes contract pricing for those items routinely secured for the maintenance and repair of municipal facilities. All items will be secured on an as need basis throughout the year. This contract is being awarded by sections to the lowest bidder. The contract award amount is based on historical usage.

Bid Summary

<table><tr><th>Water Fountains</th><th>Sect. I</th></tr><tr><td>Clark Hardware</td><td>\$28,358.25</td></tr><tr><td>Lowe's</td><td>\$46,805.00</td></tr><tr><td>Laredo Hardware</td><td>\$24,367.94</td></tr><tr><td>Incomplete bid.</td><td></td></tr></table>	Water Fountains	Sect. I	Clark Hardware	\$28,358.25	Lowe's	\$46,805.00	Laredo Hardware	\$24,367.94	Incomplete bid.		<table><tr><th>Water Heaters</th><th>Sect. II</th></tr><tr><td>Lowe's</td><td>\$12,176.99</td></tr><tr><td>Clark Hardware</td><td>\$13,644.00</td></tr><tr><td>Laredo Hardware</td><td>\$ 6,530.95</td></tr><tr><td>Incomplete bid.</td><td></td></tr></table>	Water Heaters	Sect. II	Lowe's	\$12,176.99	Clark Hardware	\$13,644.00	Laredo Hardware	\$ 6,530.95	Incomplete bid.		<table><tr><th>Water Tanks/Toilets</th><th>Sect. III</th></tr><tr><td>Clark Hardware</td><td>\$3,785.00</td></tr><tr><td>Lowe's</td><td>\$6,162.50</td></tr><tr><td>Laredo Hardware</td><td>\$ 753.00</td></tr><tr><td>Incomplete bid.</td><td></td></tr></table>	Water Tanks/Toilets	Sect. III	Clark Hardware	\$3,785.00	Lowe's	\$6,162.50	Laredo Hardware	\$ 753.00	Incomplete bid.	
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FINANCIAL IMPACT: Funding is available in the following budgets:

Department	Expense Account	Department	Expense Account
Parks and Recreation	101-3115-522-3010	Airport	242-3610-582-3010
Parks and Recreation	101-3120-552-3010	Civic Center	243-3210-552-3010
Parks and Recreation	101-3125-552-3010	Health	226-2910-542-3010
Parks and Recreation	101-3130-552-3010	Municipal Housing	555-3910-542-3010
Public Works	101-2770-532-3010	Municipal Housing	555-3920-542-3010

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION: It is recommended that this contract be approved.
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Plumbing Supplies	FY04-035																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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SECTION IV BATHROOM SPPLIES			Clark	Hardware	Z-Water	Works	Lowe's	Hardware	Laredo	Hardward
Item	Description	Est. Qty.	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	Caps sch. 40 3"	25	\$ 1.02	\$ 25.50	\$ 1.02	\$ 25.50	\$ 2.70	\$ 67.50	\$ 0.82	\$ 20.50
2	2"	25	\$ 0.30	\$ 7.50	\$ 0.30	\$ 7.50	\$ 0.85	\$ 21.25	\$ 0.23	\$ 5.75
3	2 1/2"	25	\$ 0.94	\$ 23.50	\$ 0.95	\$ 23.75	\$ 1.25	\$ 31.25	\$ 0.74	\$ 18.50
4	2"	25	\$ 0.30	\$ 7.50	\$ 0.30	\$ 7.50	\$ 1.10	\$ 27.50	\$ 0.23	\$ 5.75
5	1"	25	\$ 0.16	\$ 4.00	\$ 0.16	\$ 4.00	\$ 0.39	\$ 9.75	\$ 0.12	\$ 3.00
6	4" Combination wye dwv	25	\$ 5.72	\$ 143.00			\$ 8.75	\$ 218.75	\$ 5.47	\$ 136.75
7	4" Wye dwv	25	\$ 3.62	\$ 90.50			\$ 6.70	\$ 167.50	\$ 3.74	\$ 93.50
8	4" Coupling dwv	25	\$ 0.95	\$ 23.75			\$ 1.50	\$ 37.50	\$ 0.96	\$ 24.00
9	6" x 4" Combination wye dwv	25	\$ 16.78	\$ 419.50			\$ 23.75	\$ 593.75	\$ -	\$ -
10	6" x 4" PVC Bushing dwv	25	\$ 7.12	\$ 178.00			\$ 9.25	\$ 231.25	\$ 6.26	\$ 156.50
11	4" Male Adapter dwv	25	\$ 2.76	\$ 69.00			\$ 4.50	\$ 112.50	\$ 1.62	\$ 40.50
12	2" Male adapter dwv sch. 40 pressure	25	\$ 0.44	\$ 11.00			\$ 1.70	\$ 42.50	\$ 0.29	\$ 7.25
13	3" Male adapter sch. 40 pressure	25	\$ 1.61	\$ 40.25			\$ 2.60	\$ 65.00	\$ 1.27	\$ 31.75
14	3" x 2" Bushing sch. 40	10	\$ 1.01	\$ 10.10	\$ 1.65	\$ 16.50	\$ 1.40	\$ 14.00	\$ 0.81	\$ 8.10
15	3" x 2 1/2" Bushing sch. 10	10	\$ 1.01	\$ 10.10	\$ 1.04	\$ 10.40	\$ 1.99	\$ 19.90	\$ -	\$ -
16	4" Male adapter sch. 40 pressure	10	\$ 2.07	\$ 20.70	\$ 1.04	\$ 10.40	\$ 4.50	\$ 45.00	\$ 1.62	\$ 16.20
17	3" Female adapters, Sch. 40	10	\$ 1.29	\$ 12.90	\$ 2.09	\$ 20.90	\$ 2.20	\$ 22.00	\$ 1.02	\$ 10.20
18	2" Male adapter dwy sch.40	10	\$ 0.44	\$ 4.40	\$ 1.45	\$ 14.50	\$ 1.80	\$ 18.00	\$ 0.29	\$ 2.90
19	4" Wye dwv	10	\$ 3.62	\$ 36.20	\$ -	\$ -	\$ 6.70	\$ 67.00	\$ 3.74	\$ 37.40
20	Tees sch. 40 3"	25	\$ 3.11	\$ 77.75	\$ -	\$ -	\$ 2.50	\$ 62.50	\$ 2.45	\$ 61.25
21	Tees sch. 40 2 1/2"	25	\$ 2.36	\$ 59.00	\$ 3.25	\$ 81.25	\$ 2.50	\$ 62.50	\$ 1.87	\$ 46.75
22	2"	25	\$ 0.71	\$ 17.75	\$ 2.45	\$ 61.25	\$ 1.20	\$ 30.00	\$ 0.55	\$ 13.75
23	1 1/2"	25	\$ 0.49	\$ 12.25	\$ 0.76	\$ 19.00	\$ 0.79	\$ 19.75	\$ 0.37	\$ 9.25
24	1 1/4"	25	\$ 0.41	\$ 10.25	\$ 0.52	\$ 13.00	\$ 1.25	\$ 31.25	\$ 0.31	\$ 7.75
25	1"	75	\$ 0.25	\$ 18.75	\$ 0.42	\$ 31.50	\$ 0.33	\$ 24.75	\$ 0.20	\$ 15.00
26	3/4"	100	\$ 0.15	\$ 15.00	\$ 0.26	\$ 26.00	\$ 0.25	\$ 25.00	\$ 0.11	\$ 11.00
27	1/2"	100	\$ 0.13	\$ 13.00	\$ 0.14	\$ 14.00	\$ 0.21	\$ 21.00	\$ 0.09	\$ 9.00
28	Couplings sch. 40 3"	100	\$ 1.20	\$ 120.00	\$ 0.12	\$ 12.00	\$ 0.96	\$ 96.00	\$ 0.95	\$ 95.00
29	2 1/2"	100	\$ 0.76	\$ 76.00	\$ 1.25	\$ 125.00	\$ 0.65	\$ 65.00	\$ 0.61	\$ 61.00
30	2"	100	\$ 0.36	\$ 36.00	\$ 0.80	\$ 80.00	\$ 0.69	\$ 69.00	\$ 0.26	\$ 26.00
31	1 1/2"	100	\$ 0.23	\$ 23.00	\$ 0.35	\$ 35.00	\$ 0.45	\$ 45.00	\$ 0.18	\$ 18.00
32	1"	100	\$ 0.16	\$ 16.00	\$ 0.24	\$ 24.00	\$ 1.85	\$ 185.00	\$ 0.12	\$ 12.00
33	3/4"	100	\$ 0.09	\$ 9.00	\$ 0.16	\$ 16.00	\$ 0.98	\$ 98.00	\$ 0.07	\$ 7.00
34	1/2"	100	\$ 0.08	\$ 8.00	\$ 0.09	\$ 9.00	\$ 0.78	\$ 78.00	\$ 0.05	\$ 5.00
35	Elbs 90 degrees slip 3"	100	\$ 2.10	\$ 210.00	\$ 0.07	\$ 7.00	\$ 1.80	\$ 180.00	\$ 1.67	\$ 167.00
36	2 1/2"	100	\$ 1.78	\$ 178.00	\$ 2.15	\$ 215.00	\$ 0.79	\$ 79.00	\$ 1.39	\$ 139.00
37	2"	100	\$ 0.58	\$ 58.00	\$ 1.89	\$ 189.00	\$ 1.25	\$ 125.00	\$ 0.44	\$ 44.00
38	1 1/2"	100	\$ 0.38	\$ 38.00	\$ 0.59	\$ 59.00	\$ 0.75	\$ 75.00	\$ 0.28	\$ 28.00
39	1"	100	\$ 0.20	\$ 20.00	\$ 0.39	\$ 39.00	\$ 0.34	\$ 34.00	\$ 0.15	\$ 15.00
40	1 1/4"	100	\$ 0.36	\$ 36.00	\$ 0.20	\$ 20.00	\$ 0.66	\$ 66.00	\$ 0.26	\$ 26.00
41	1"	100	\$ 0.20	\$ 20.00	\$ 0.35	\$ 35.00	\$ 0.34	\$ 34.00	\$ 0.15	\$ 15.00
42	3/4"	100	\$ 0.12	\$ 12.00	\$ 0.20	\$ 20.00	\$ 0.16	\$ 16.00	\$ 0.09	\$ 9.00
43	1/2"	100	\$ 0.11	\$ 11.00	\$ 0.11	\$ 11.00	\$ 0.12	\$ 12.00	\$ 0.08	\$ 8.00
44	Cap Slips 3"	100	\$ 1.02	\$ 102.00	\$ 0.10	\$ 10.00	\$ 2.70	\$ 270.00	\$ 0.82	\$ 82.00
45	2 1/2"	100	\$ 0.94	\$ 94.00	\$ 1.02	\$ 102.00	\$ 2.60	\$ 260.00	\$ 0.74	\$ 74.00
46	2"	100	\$ 0.30	\$ 30.00	\$ 0.95	\$ 95.00	\$ 0.95	\$ 95.00	\$ 0.23	\$ 23.00
47	1 1/2"	100	\$ 0.25	\$ 25.00	\$ 0.30	\$ 30.00	\$ 0.55	\$ 55.00	\$ 0.19	\$ 19.00
48	1 1/4"	100	\$ 0.23	\$ 23.00	\$ 0.26	\$ 26.00	\$ 0.48	\$ 48.00	\$ 0.18	\$ 18.00
49	1"	100	\$ 0.16	\$ 16.00	\$ 0.23	\$ 23.00	\$ 0.40	\$ 40.00	\$ 0.12	\$ 12.00
50	3/4"	100	\$ 0.11	\$ 11.00	\$ 0.16	\$ 16.00	\$ 0.25	\$ 25.00	\$ 0.08	\$ 8.00
51	1/2"	100	\$ 0.11	\$ 11.00	\$ 0.02	\$ 1.50	\$ 0.16	\$ 16.00	\$ 0.07	\$ 7.00
52	1/2"	100	\$ 0.11	\$ 11.00	\$ 0.09	\$ 9.00	\$ 0.16	\$ 16.00	\$ 0.07	\$ 7.00
53	Male Adapters 3"	100	\$ 1.61	\$ 161.00	\$ 0.09	\$ 9.00	\$ 2.60	\$ 260.00	\$ 1.27	\$ 127.00
54	2 1/2"	100	\$ 1.13	\$ 113.00	\$ 1.65	\$ 165.00	\$ 2.70	\$ 270.00	\$ 0.87	\$ 87.00
55	2"	100	\$ 0.37	\$ 37.00	\$ 1.10	\$ 110.00	\$ 1.70	\$ 170.00	\$ 0.28	\$ 28.00
56	1 1/2"	100	\$ 0.29	\$ 29.00	\$ 0.40	\$ 40.00	\$ 0.60	\$ 60.00	\$ 0.22	\$ 22.00
57	1 1/4"	100	\$ 0.21	\$ 21.00	\$ 0.30	\$ 30.00	\$ 0.55	\$ 55.00	\$ 0.16	\$ 16.00
58	1"	100	\$ 0.20	\$ 20.00	\$ 0.21	\$ 21.00	\$ 0.37	\$ 37.00	\$ 0.14	\$ 14.00
59	3/4"	100	\$ 0.11	\$ 11.00	\$ 0.18	\$ 18.00	\$ 0.25	\$ 25.00	\$ 0.08	\$ 8.00
60	1/2"	100	\$ 0.10	\$ 10.00	\$ 0.10	\$ 10.00	\$ 0.18	\$ 18.00	\$ 0.07	\$ 7.00
61	Female Adapters 3"	100	\$ 1.29	\$ 129.00	\$ 0.09	\$ 9.00	\$ 2.36	\$ 236.00	\$ 1.02	\$ 102.00
Item	Description	Est. Qty.	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
62	2 1/2"	100	\$ 0.98	\$ 98.00	\$ 1.45	\$ 145.00	\$ 2.70	\$ 270.00	\$ 0.76	\$ 76.00

63	2"	100	\$	0.38	\$	38.00	\$	1.19	\$	119.00	\$	1.20	\$	120.00	\$	0.29	\$	29.00
64	1 1/2"	100	\$	0.29	\$	29.00	\$	0.39	\$	39.00	\$	0.67	\$	67.00	\$	0.22	\$	22.00
65	1 1/4"	100	\$	0.25	\$	25.00	\$	0.30	\$	30.00	\$	0.60	\$	60.00	\$	0.19	\$	19.00
66	1"	100	\$	0.16	\$	16.00	\$	0.25	\$	25.00	\$	0.40	\$	40.00	\$	0.12	\$	12.00
67	3/4"	100	\$	0.14	\$	14.00	\$	0.16	\$	16.00	\$	0.30	\$	30.00	\$	0.11	\$	11.00
68	1/2"	100	\$	0.12	\$	12.00	\$	0.14	\$	14.00	\$	0.25	\$	25.00	\$	0.09	\$	9.00
69	Bushing Slips 3/4" x 1/2"	50	\$	0.11	\$	5.50	\$	0.11	\$	5.50	\$	0.25	\$	12.50	\$	0.09	\$	4.50
70	Bushing Slips 1 x 1/2"	50	\$	0.19	\$	9.50	\$	0.11	\$	5.50	\$	0.45	\$	22.50	\$	0.17	\$	8.50
71	1 x 3/4"	50	\$	0.19	\$	9.50	\$	0.19	\$	9.50	\$	0.72	\$	36.00	\$	0.17	\$	8.50
72	2" x 1 1/2"	50	\$	0.43	\$	21.50	\$	0.19	\$	9.50	\$	0.75	\$	37.50	\$	0.39	\$	19.50
73	2" x 3/4"	50	\$	0.43	\$	21.50	\$	0.45	\$	22.50	\$	0.75	\$	37.50	\$	0.39	\$	19.50
74	2" x 1"	50	\$	0.43	\$	21.50	\$	0.45	\$	22.50	\$	0.75	\$	37.50	\$	0.39	\$	19.50
75	2" x 3"	50	\$	1.01	\$	50.50	\$	0.45	\$	22.50	\$	1.40	\$	70.00	\$	0.81	\$	40.50
76	Dressing Coupling 3"	50	\$	8.63	\$	431.50	\$	1.05	\$	52.50	\$	0.90	\$	45.00	\$	6.11	\$	305.50
77	2"	50	\$	3.52	\$	176.00	\$	9.25	\$	462.50	\$	0.68	\$	34.00	\$	3.25	\$	162.50
78	1 1/2"	50	\$	2.69	\$	134.50	\$	3.25	\$	162.50	\$	0.45	\$	22.50	\$	2.48	\$	124.00
79	1 1/4"	50	\$	2.61	\$	130.50	\$	2.45	\$	122.50	\$	0.38	\$	19.00	\$	2.42	\$	121.00
80	1"	50	\$	1.69	\$	84.50	\$	1.95	\$	97.50	\$	0.22	\$	11.00	\$	1.55	\$	77.50
81	3/4"	50	\$	1.26	\$	63.00	\$	1.37	\$	68.50	\$	0.13	\$	6.50	\$	1.19	\$	59.50
82	1/4"	50	\$	0.96	\$	48.00	\$	-	\$	-	\$	0.13	\$	6.50	\$	0.87	\$	43.50
83	Elbows 90 degrees, sch. 40 pressure 3"	25	\$	2.10	\$	52.50	\$	2.15	\$	53.75	\$	1.84	\$	46.00	\$	1.67	\$	41.75
84	2 1/2"	25	\$	1.78	\$	44.50	\$	1.89	\$	47.25	\$	1.78	\$	44.50	\$	1.39	\$	34.75
85	2"	25	\$	0.58	\$	14.50	\$	0.59	\$	14.75	\$	1.28	\$	32.00	\$	0.52	\$	13.00
86	1 1/2"	25	\$	0.38	\$	9.50	\$	0.39	\$	9.75	\$	0.76	\$	19.00	\$	0.33	\$	8.25
87	1"	25	\$	0.20	\$	5.00	\$	0.20	\$	5.00	\$	0.36	\$	9.00	\$	0.18	\$	4.50
88	3/4"	25	\$	0.12	\$	3.00	\$	0.11	\$	2.75	\$	0.18	\$	4.50	\$	0.10	\$	2.50
89	1/2"	25	\$	0.11	\$	2.75	\$	0.10	\$	2.50	\$	0.14	\$	3.50	\$	0.09	\$	2.25
90	Elbow 45 degrees 6"	0.25	\$	11.95	\$	2.99	\$	14.90	\$	3.73	\$	16.75	\$	4.19	\$	9.60	\$	2.40
91	Green Cut off Nipples 3/4" x 1/2" x 6"	25	\$	0.35	\$	8.75	\$	0.25	\$	6.25	\$	0.29	\$	7.25	\$	-	\$	-
92	Plain Covers 1" to 3/4" Brass Quick Couplers	25	\$	25.50	\$	637.50	\$	25.65	\$	641.25	\$	-	\$	-	\$	-	\$	-
93	Valve Box 12" x 17" x 6" DFW	25	\$	10.75	\$	268.75	\$	9.35	\$	233.75	\$	12.97	\$	324.25	\$	-	\$	-
94	Valve Box 12" x 17" x 6" DFW	25	\$	10.75	\$	268.75	\$	9.35	\$	233.75	\$	12.97	\$	324.25	\$	-	\$	-
95	Extension only no led dft 12" x 17" x 6"	25	\$	10.10	\$	252.50	\$	9.35	\$	233.75	\$	-	\$	-	\$	-	\$	-
96	Box without lid DFW 12 x 17 x 12	25	\$	14.10	\$	352.50	\$	7.15	\$	178.75	\$	-	\$	-	\$	-	\$	-
97	Brass Quick Couplers 1" x 3/4"	25	\$	25.50	\$	637.50	\$	25.65	\$	641.25	\$	-	\$	-	\$	-	\$	-
98	Brass Quick Couplers 3/4" to 1/2"	25	\$	26.25	\$	656.25	\$	18.65	\$	466.25	\$	-	\$	-	\$	-	\$	-
99	Box without lid DFW 12 x 17 x 12	25	\$	14.10	\$	352.50	\$	7.15	\$	178.75	\$	-	\$	-	\$	-	\$	-
100	Brass Couplers key 1" to 3/4"	25	\$	25.25	\$	631.25	\$	25.65	\$	641.25	\$	3.40	\$	85.00	\$	-	\$	-
101	Brass Couplers key 3/4" to 1/2"	25	\$	25.20	\$	630.00	\$	12.35	\$	308.75	\$	2.56	\$	64.00	\$	-	\$	-
102	Brass Couplers key 3/4" to 3/4"	25	\$	26.25	\$	656.25	\$	-	\$	-	\$	2.46	\$	61.50	\$	-	\$	-
103	Brass Key 1" to 3/4"	25	\$	26.25	\$	656.25	\$	25.65	\$	641.25	\$	-	\$	-	\$	-	\$	-
104	Pipe 40 plain 2" x 20'	25	\$	7.58	\$	189.50	\$	-	\$	-	\$	9.90	\$	247.50	\$	7.12	\$	178.00
105	2 1/2" x 20'	25	\$	13.63	\$	340.75	\$	-	\$	-	\$	12.00	\$	300.00	\$	-	\$	-
106	1 1/2" x 20'	25	\$	5.63	\$	140.75	\$	-	\$	-	\$	8.60	\$	215.00	\$	5.45	\$	136.25
107	1" x 20'	25	\$	4.19	\$	104.75	\$	-	\$	-	\$	5.15	\$	128.75	\$	-	\$	-
108	1 1/4" x 20'	25	\$	5.48	\$	137.00	\$	-	\$	-	\$	7.08	\$	177.00	\$	-	\$	-
109	3/4" x 20'	25	\$	2.74	\$	68.50	\$	-	\$	-	\$	5.45	\$	136.25	\$	-	\$	-
110	1/2" x 20'	25	\$	2.13	\$	53.25	\$	-	\$	-	\$	2.70	\$	67.50	\$	-	\$	-
112	Pipe 40 bell end 4" x 20'	25	\$	26.25	\$	656.25	\$	25	\$	625.00	\$	21.70	\$	542.50	\$	21.16	\$	529.00
113	3" x 20'	25	\$	18.41	\$	460.25	\$	18	\$	450.00	\$	14.40	\$	360.00	\$	14.87	\$	371.75
114	2" x 20'	25	\$	8.81	\$	220.25	\$	8.4	\$	210.00	\$	10.25	\$	256.25	\$	7.38	\$	184.50
115	2 1/2" x 20'	25	\$	13.63	\$	340.75	\$	15.8	\$	395.00	\$	12.25	\$	306.25	\$	13.30	\$	332.50
116	1" x 20'	25	\$	4.19	\$	104.75	\$	4.4	\$	110.00	\$	6.00	\$	150.00	\$	3.83	\$	95.75
117	1/2" x 20'	25	\$	2.13	\$	53.25	\$	2.6	\$	65.00	\$	2.90	\$	72.50	\$	1.94	\$	48.50
118	PVC Cement Pint size	125	\$	2.86	\$	357.50	\$	2.45	\$	306.25	\$	3.70	\$	462.50	\$	1.95	\$	243.75
119	Quart size	125	\$	4.72	\$	590.00	\$	4.45	\$	556.25	\$	5.80	\$	725.00	\$	2.75	\$	343.75
120	Liquid Drain & Sewer cleaner 32 oz. Block-Aid	50	\$	6.59	\$	329.50	\$	0	\$	-	\$	7.96	\$	398.00	\$	-	\$	-
121	Drain Opener Power guaranteed	25	\$	7.10	\$	177.50	\$	0	\$	-	\$	6.48	\$	162.00	\$	-	\$	-
Grand Total Section IV			\$		\$	14,993.64	Incomplete	\$	10,720.93	Incomplete	\$	12,047.59	Incomplete	\$	5,893.45			

Item	Description	Est. Qty.	Unit Cost	Total Cost	Hardware	Z Water	Works	Lowe's	Improvement	Laredo	Hardware
1	Hunter Pop Up Rotor A2177	150	\$ 9.75	\$ 1,462.50	\$ 1,462.50						
2	PGP ADJ	150	\$ 9.75	\$ 1,462.50	\$ 1,462.50						
3	Rainbird Rotor 2045A08	150	\$ 10.84	\$ 1,626.00	\$ 1,626.00						
4	Hunter Sprinklers PGP Adjustable UP A 1843	150	\$ 9.75	\$ 1,462.50	\$ 1,462.50						
5	Maxi Paw Pop Up Impact Head A 1844	150	\$ 10.84	\$ 1,626.00	\$ 1,626.00						
6	Rainbird Removal Tool SO 9084	10	\$ 8.50	\$ 85.00	\$ 85.00						
7	Weathermatic Sekonid M24#SO7309	25	\$ 30.00	\$ 750.00	\$ 750.00						
8	Valve Solenoid Control 2100 1 1/2" SO8426	25	\$ 69.00	\$ 1,725.00	\$ 1,725.00						
9	Rainbird Valves 1 1/2"	25	\$ 39.89	\$ 997.25	\$ 997.25						
10	Rainbird Valves 2"	25	\$ 57.73	\$ 1,443.25	\$ 1,443.25						
11	Weathermatic flow control Valves 1 1/2"	25	\$ 69.00	\$ 1,725.00	\$ 1,725.00						
12	Weathermatic flow control 2"	25	\$ 69.00	\$ 1,725.00	\$ 1,725.00						
13	Irrigation Timer 12 stations RC 1260C	5	\$ 365.72	\$ 1,828.60	\$ 1,828.60						
14	PGP Hunter Head Sprinkler	50	\$ 9.75	\$ 487.50	\$ 487.50						
15	Rainbird Sprayhead 4" less nozzle 180 in	50	\$ 1.49	\$ 74.50	\$ 74.50						
16	Multiplex cut off Green 1/2 x 6	25	\$ 0.31	\$ 7.75	\$ 7.75						
17	3/4 x 6"	25	\$ 0.45	\$ 11.25	\$ 11.25						
18	1/2 x 6	25	\$ 0.31	\$ 7.75	\$ 7.75						
19	3/4 x 6	25	\$ 0.45	\$ 11.25	\$ 11.25						
20	Rainbird full pattern nozzle 1/4	25	\$ 0.45	\$ 11.25	\$ 11.25						
21	1/5	25	\$ 0.72	\$ 18.00	\$ 18.00						
22	Bubbler head 3/4"	25	\$ 0.68	\$ 17.00	\$ 17.00						
23	Pop Up Less Nozzle 1804 LN 4	100	\$ 1.49	\$ 149.00	\$ 149.00						
24	IPS auto Valve s/flow control 150 PGA	25	\$ 39.89	\$ 997.25	\$ 997.25						
25	Auto Valve 100 JDVSS 1	25	\$ 11.05	\$ 276.25	\$ 276.25						
26	Meter Box DS 10001 s/ft 19 x 13	25	\$ 6.78	\$ 169.50	\$ 169.50						
27	1/2 circle Nozzle 10H	25	\$ 0.72	\$ 18.00	\$ 18.00						
28	Full circle Nozzle 10I	25	\$ 0.72	\$ 18.00	\$ 18.00						
29	Circle Nozzle 10 Q 1/4	25	\$ 0.72	\$ 18.00	\$ 18.00						
30	Circle Nozzle 12g 1/4	25	\$ 0.72	\$ 18.00	\$ 18.00						
31	Circle Nozzle 12g 1/4	25	\$ 0.72	\$ 18.00	\$ 18.00						
32	Circle Nozzle 1/2 15h	10	\$ 0.72	\$ 7.20	\$ 7.20						
33	Circle Nozzle 5h	25	\$ 0.72	\$ 18.00	\$ 18.00						
34	Circle Nozzle 12H 1/2	25	\$ 0.72	\$ 18.00	\$ 18.00						
35	Circle Nozzle 8H 1/2	25	\$ 0.72	\$ 18.00	\$ 18.00						
36	Circle Nozzle 8g 1/4	20	\$ 0.72	\$ 14.40	\$ 14.40						
37	Full circle Nozzle 12F	10	\$ 0.72	\$ 7.20	\$ 7.20						
38	Adjustable Rotor w/Nozzle 1 20 Hunter	50	\$ 13.21	\$ 660.50	\$ 660.50						
39	Side Stripe Nozzle 9sst	50	\$ 0.72	\$ 36.00	\$ 36.00						
40	Adjustable Bubbler 1300 AF	50	\$ 0.68	\$ 34.00	\$ 34.00						
Grand Total Section V				\$ 21,056.65	Incomplete	\$ 24,797.50	Incomplete	\$ 11,463.80	Incomplete	\$ 4.50	
% off Catalog Price				10-80%		5%		5%			
% off List Price				10-80%		5%		5%			
% off Sheet Price				10-80%		5%		5%			

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: MOTIONS Consideration to award annual supply contract number FY04-076 to the LOW BIDDER , Oil Patch Petroleum, Inc., Laredo, Texas, for the purchase of unleaded and low sulfur and high sulfur diesel fuel, for the City of Laredo's fleet. The unit cost for the transport loads of unleaded and diesel fuel is \$0.0050 less than the previous contract period. This contract is based on the estimated usage of 610,000 gallons of unleaded fuel and 510,000 gallons of diesel fuel. Funding is available in the Fleet Maintenance Fund.							
INITIATED BY: Larry Dovalina, City Manager		STAFF SOURCE: Robert Murillo, Traffic Safety Department Director Francisco Meza, Purchasing Agent						
PREVIOUS COUNCIL ACTION: None.								
<p>BACKGROUND: Five bids were received for the City's annual contract for unleaded and diesel fuel. The bid specifications requested bid pricing on tank wagon (5,000 gallons or less) and transport loads (5,000 gallons or more) for both regular unleaded and low sulfur diesel fuel. The successful bidder will be required to deliver to the City compound and City landfill. During the contract period, the unit prices will be determined by adding the bid price to the daily published Oil Price Information Service (OPIS) index made up of the composite posted prices in the Laredo area. The weekly price shall be the OPIS average price for the Laredo area, plus the fixed price differential bid by the successful bidder. The base price bid of the vendor will remain fixed during the contract period. The OPIS index is an average of the delivered, terminal price in cents per gallon, excluding all taxes for the Laredo area. This format allows for price changes based on an independent industry publication.</p> <p>The OPIS differential format is used to determine a low bid situation. Since the differential bid by the vendors is constant during the contract period, the only price that changes is the index for the week. Based on this format, staff is recommending that a contract be awarded to the low bidder, Oil Patch Petroleum, Laredo, Texas</p> <p>Bid Summary</p> <table border="1"><tr><td>Oil Patch Petroleum</td><td>\$ 1,341,511.00</td></tr><tr><td>Arguindegui Oil Co.</td><td>\$ 1,353,665.00</td></tr><tr><td>Petroleum Traders</td><td>\$ 1,357,419.00</td></tr></table>			Oil Patch Petroleum	\$ 1,341,511.00	Arguindegui Oil Co.	\$ 1,353,665.00	Petroleum Traders	\$ 1,357,419.00
Oil Patch Petroleum	\$ 1,341,511.00							
Arguindegui Oil Co.	\$ 1,353,665.00							
Petroleum Traders	\$ 1,357,419.00							
<p>FINANCIAL IMPACT: All user departments are charged the actual usage on a monthly basis. Fleet Management – Gasoline Inventory Account Number: 593-0000-141-0200</p>								
COMMITTEE RECOMMENDATION:		STAFF RECOMMENDATION: It is recommended that this contract be approved.						

Bid Summary

<i>Unleaded – Transport Loads</i>	FY04 Contract Price	FY03 Contract Price
Oil Patch Petroleum	\$0.0050	\$0.010
Petroleum Traders Corp.	\$0.0161	
Arguindegui Oil Co.	\$0.0169	

<i>Diesel – Transport Loads</i>	FY04 Contract Price	FY03 Contract Price
Oil Patch Petroleum	\$0.0050	\$0.010
Arguindegui Oil Co.	\$0.0097	
Petroleum Traders Corp.	\$0.0161	

<i>High Sulfur Diesel – Tank Wagon Loads</i>	FY04 Contract Price	FY03 Contract Price
Oil Patch Petroleum	\$0.0400	\$0.070
Arguindegui Oil Co.	\$0.0696	
Petroleum Traders Corp.	\$0.0825	

<i>Fuel Requirements</i>	Delivery Loads	Approximate Annual Requirements
Unleaded, .93 octane	4,000 – 10,000 gallons	610,000 gallons
No. 2 Diesel (low sulfur 0.003%)	4,000 – 10,000 gallons	410,000 gallons
No. 2 Diesel (high sulfur 0.05%)	250 – 4, 000 gallons	100,000 gallons

Using the base price or differential bid by the successful bidder, and the OPIS index for the periods indicated, an example of the mechanics of the fuel bid is provided. The bid price is added to the OPIS index and the price per gallon cost is calculated. All prices are cents per gallon excluding any taxes.

Day	Unleaded OPIS Transport Load Ave.	Price/gal Bid Price Cost	Price/Gal Total
April 13, 2004	\$1.3058	\$0.0050	\$1.3108

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: MOTIONS Consideration to award contract FY04-075 to the sole bidder, Castaneda Sand and Gravel, Inc., Laredo, Texas, in the estimated annual amount of \$30,000 for the purchase of top soil and fill dirt. This is an annual contract and all materials will be purchased on an as need basis throughout the year for the various parks and park projects. Funding is available in the Parks and Recreation Department and park construction project budgets.										
INITIATED BY: Larry Dovalina, City Manager		STAFF SOURCE: Horacio De Leon, Parks and Recreation Dept. Director Francisco Meza, Purchasing Agent									
PREVIOUS COUNCIL ACTION: None.											
BACKGROUND: The City solicited formal bids for awarding an annual contract for the purchase of red top soil and fill dirt as needed by the Parks and Recreation Department for maintaining the current parks and for park construction projects. All items will be purchased on as need basis. Castaneda Sand and Gravel, Inc. Laredo, Texas Red Top Soil \$12.50 / cubic yard delivered to job site Fill Dirt \$ 9.00 / cubic yard delivered to job site											
FINANCIAL IMPACT: Funding is available in the following budgets: <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 25%;">Department</td><td style="width: 45%;">Expense Account Description</td><td style="width: 30%;">Expense Account</td></tr><tr><td>Parks and Recreation</td><td>Materials and Supplies Botanical</td><td>101-3115-522-1900</td></tr><tr><td>CIP Project</td><td>Eastwood Park</td><td>402-4322-535-4159</td></tr></table>			Department	Expense Account Description	Expense Account	Parks and Recreation	Materials and Supplies Botanical	101-3115-522-1900	CIP Project	Eastwood Park	402-4322-535-4159
Department	Expense Account Description	Expense Account									
Parks and Recreation	Materials and Supplies Botanical	101-3115-522-1900									
CIP Project	Eastwood Park	402-4322-535-4159									
COMMITTEE RECOMMENDATION:		STAFF RECOMMENDATION: It is recommended that this contract be approved.									

COUNCIL COMMUNICATION

DATE: 05/03/2004	SUBJECT: MOTION(S) Consideration for approval of the selection of consultant Sepulveda Associates Architects, Laredo, Texas, associated with Foster Engineering Company, Laredo, Texas, for the Former Southern Hotel 1200 Block of Matamoros Street and authorization to negotiate a professional services contract. Funding is available in the 2002 CO Issue Former Southern Hotel.
INITIATED BY: Larry Dovalina, City Manager	STAFF SOURCE: Rogelio Rivera, P.E., City Engineer
PREVIOUS COUNCIL ACTION: On March 29, 2004 City Council action rejected a previous staff recommendation.	
BACKGROUND: Ten (10) firms responded to the request for qualifications on Friday, December 19, 2003, at 4:00 P.M. as follows: <ol style="list-style-type: none">1. Design Group International, Laredo, Texas2. Architects Plus, Inc., Laredo, Texas3. Cavazos & Associates Architects, Laredo, Texas4. Turner Hickey & Associates, Laredo, Texas5. Frank Architects, Inc., Laredo, Texas6. Ashley Humphries & Sanchez Architects, Laredo, Texas7. Saldana and Associates, Inc., San Antonio, Texas8. Harry Jewett Associates, Laredo, Texas9. Cutler-Gallaway Services, Inc., San Antonio, Texas10. Sepulveda Associates Architects, Laredo, Texas The proposed scope of services is to include, but not limited to: Providing professional services relating to the evaluation for renovation, restoration, and/or feasibility plans for mixed use of the former Southern Hotel Building, and adjoining properties. Consultant is to work in close coordination with the Historic District Landmark Board. The Staff Committee composed of several City Departments evaluated the submittals and presentations, and based on the City's standard selection criteria (capability to perform, professional background, quality of projects, etc.) Sepulveda Associates Architects, Laredo, Texas, associated with Foster Engineering Company, Laredo, Texas, is recommended.	
FINANCIAL IMPACT: Funding is available in the 2002 CO Issue Former Southern Hotel. Account No. 455-9810-535-4877	
COMMITTEE RECOMMENDATION: This item was presented to the Engineering Contract Review Committee on Monday, April 19, 2004.	STAFF RECOMMENDATION: Approval of Motion.



AGENDA ITEM

1110 HOUSTON ST. P.O. BOX 579 PH. 791-7346 FAX (210) 791-7494

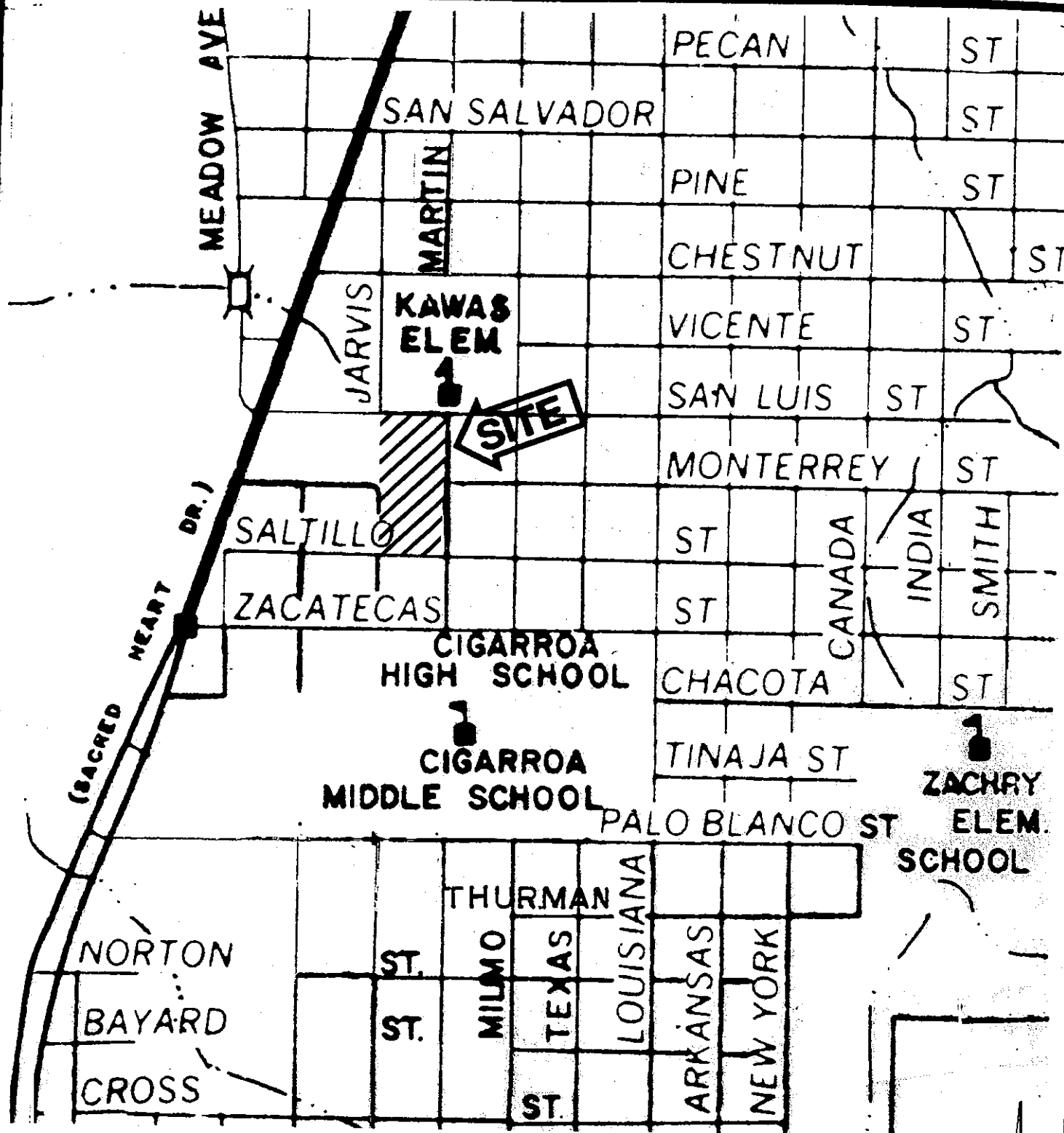
COUNCIL COMMUNICATION

DATE: 05/03/2004	SUBJECT: MOTION(S) Consideration to award an engineering contract to Structural Engineering Associates, Inc., San Antonio, Texas, for an amount not to exceed \$79,700.00 for preliminary designs of alternative single column bent or multi-column bent for the Santa Ursula Connector Phase II. All designs, schematic drawings and layouts of the connector are to be to the requirements of the IBWC. Funding is available in the Purchase Professional Services Bridge System Revenue Bond Series 2002.	
INITIATED BY: Larry Dovalina, City Manager		STAFF SOURCE: Rogelio Rivera, P.E., City Engineer
PREVIOUS COUNCIL ACTION: None.		
BACKGROUND: Scope of services include, but are not limited to: <ol style="list-style-type: none">1. Architectural rendering of connector (already performed, but not part of previous contract).2. Hydraulic study for submittal to IBWC.3. Preliminary design to establish size of single column bent.4. Preliminary design of multi-column bent.5. Preliminary design of slab beams.6. Upgrade current schematic bridge layout for submittal to IBWC.7. Develop bridge layout for alternate substructure - single column bent.8. Submittal of conceptual bridge layout and hydraulic study to IBWC for approval.9. Project area to include bridge and approaches required to reach existing grade.10. Two meetings with the IBWC.11. Two meetings with City of Laredo representatives.12. A bridge layout in metric and/or spanish is not included.13. Basic geometry of connector from previous phase will not change. All designs, schematic drawings and layouts of the connector are to be to the requirements of the International Boundary Water Commission.		
FINANCIAL IMPACT: Funding is available in the Purchase Professional Services Bridge System Revenue Bond Series 2002. Account No. 553-4063-533-5500		
COMMITTEE RECOMMENDATION: N/A.		STAFF RECOMMENDATION: Approval of Motion.



COUNCIL COMMUNICATION

DATE: 05/03/2004	SUBJECT: MOTION(S) Consideration for approval of acceptance for South Laredo Park in a two block area by Kawas Elementary School bounded by San Luis Street, Saltillo Street, South Martin Avenue, and South Jarvis Avenue and approval of final payment in the amount of \$8,666.17 to R. Aguero Trucking, Laredo, Texas. Final contract amount is \$183,963.30. Funding is available in the South Laredo Park.																		
INITIATED BY: Larry Dovalina, City Manager	STAFF SOURCE: Rogelio Rivera, P.E., City Engineer																		
PREVIOUS COUNCIL ACTION: On December 1, 2003 City Council approved to rescind change order no. 2 an amount of \$44,777.75 to the construction contract with R. Aguero Trucking, Laredo, Texas, for the South Laredo Park Project in the Vicinity of Kawas Elementary School for a parking lot (23 spaces) approximately 1,100 L.F. of a 10 feet wide walking trail and accessible ramps for failure to execute a contract change order, and authorization for staff to re-bid the project.																			
BACKGROUND: <p>The original project consisted of construction of improvements and installation of equipment on a 3.9 acre neighborhood park site to include jogging/walking trail, baseball/softball field, soccer field, basketball/volleyball courts, modular playground area, modular skating area, parking lot, landscaping, automatic irrigation system, and picnic area with shelters, grills, tables and benches. The project also included the close coordination with all utilities and must be in compliance with all City, State and Federal regulations.</p> <p>The park is located in a two block area by Kawas Elementary School bounded by San Luis Street, Saltillo Street, South Martin Avenue, and South Jarvis Avenue.</p> <p>Plans and specifications were prepared by Turner, Hickey & Associates, Laredo, Texas.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Original construction contract.....</td> <td style="width: 20%; text-align: right;">\$182,963.30</td> </tr> <tr> <td colspan="2">(Approved by City Council on August 5, 2002)</td> </tr> <tr> <td>Change order no. 1.....</td> <td style="text-align: right;">\$ 1,560.00</td> </tr> <tr> <td colspan="2">(Approved by City Manager on February 5, 2003)</td> </tr> <tr> <td colspan="2">To improve irrigation system and landscaping.</td> </tr> <tr> <td>Change order no. 2.....</td> <td style="text-align: right;">\$ (560.00)</td> </tr> <tr> <td colspan="2">(Approved by City Manager on April 21, 2004)</td> </tr> <tr> <td colspan="2">For re-seeding part of the soccer field and to fix top post of soccer goal.</td> </tr> <tr> <td>Final construction contract amount.....</td> <td style="text-align: right;">\$183,963.30</td> </tr> </table> <p>The project was completed within the contract time allotted.</p>		Original construction contract.....	\$182,963.30	(Approved by City Council on August 5, 2002)		Change order no. 1.....	\$ 1,560.00	(Approved by City Manager on February 5, 2003)		To improve irrigation system and landscaping.		Change order no. 2.....	\$ (560.00)	(Approved by City Manager on April 21, 2004)		For re-seeding part of the soccer field and to fix top post of soccer goal.		Final construction contract amount.....	\$183,963.30
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(Approved by City Manager on April 21, 2004)																			
For re-seeding part of the soccer field and to fix top post of soccer goal.																			
Final construction contract amount.....	\$183,963.30																		
FINANCIAL IMPACT: Funding is available in the South Laredo Park. Account No. 211-0000-206-0100																			
COMMITTEE RECOMMENDATION: N/A.	STAFF RECOMMENDATION: Approval of Motion.																		



CONSIDERATION FOR APPROVAL OF ACCEPTANCE FOR THE SOUTH
LAREDO PARK IN THE VICINITY OF KAWAS ELEM. SCHOOL
AND APPROVAL OF FINAL PAYMENT

CITY COUNCIL MEETING
MAY 3, 2004

CITY OF LAREDO
ENGINEERING DEPARTMENT

1110 HOUSTON ST. P.O. BOX 579 PH. 781-7348 FAX (210) 781-7496

AGENDA ITEM

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: MOTIONS Consideration to award annual contract FY04-069 to the LOW BIDDER , Super X Mowing Service, Laredo, Texas, in the annual amount of \$72,000.00, for providing monthly mowing and maintenance of the Zacate Creek areas from Meadow and Canal Streets to the mouth of the river. This includes the collection of trash, debris, rubbish, and other floatable material along the creek. The term of the contract was for one year with an option to extend for one additional year. The contract pricing is approximately 14% less than the previous contract amount. Funding is available in the Environmental Service Department budget.																																						
INITIATED BY: Larry Dovalina, City Manager		STAFF SOURCE: Riazul Mia, Environmental Service Director Francisco Meza, Purchasing Agent																																					
PREVIOUS COUNCIL ACTION:																																							
BACKGROUND: The City received five bids for awarding a contract for monthly mowing and maintenance of the Zacate Creek areas from Meadow and Canal Streets to the mouth of the river. This includes the collection of trash, debris, rubbish, and other floatable material along the creek. The contract will be monitored by the Environmental Service Department. This contract is approximately 14% less than the previous contract awarded in FY03.																																							
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Bid Summary</th> <th style="width: 15%;">Option 1 - Mowing and Collection of Trash, debris, and rubbish</th> <th style="width: 15%;"></th> <th style="width: 15%;">Option 2 - Collection of Trash, debris, and rubbish, only</th> <th style="width: 25%;"></th> </tr> <tr> <th></th> <th>Monthly</th> <th>Total</th> <th>Monthly</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Super X Mowing Service</td> <td>\$6,000.00</td> <td>\$72,000.00</td> <td>No bid.</td> <td></td> </tr> <tr> <td>Nick Benavides *</td> <td>\$6,014.00</td> <td>\$72,168.00</td> <td>\$2,910.00</td> <td>\$34,920.00</td> </tr> <tr> <td>J. R. Landscaping *</td> <td>\$6,014.00</td> <td>\$72,168.00</td> <td>\$4,074.00</td> <td>\$48,888.00</td> </tr> <tr> <td>Olympia Landscape *</td> <td>\$6,125.00</td> <td>\$73,500.00</td> <td>\$2,940.00</td> <td>\$35,280.00</td> </tr> <tr> <td>Hollywood Garden</td> <td>\$6,900.00</td> <td>\$82,800.00</td> <td>\$3,300.00</td> <td>\$39,600.00</td> </tr> </tbody> </table>					Bid Summary	Option 1 - Mowing and Collection of Trash, debris, and rubbish		Option 2 - Collection of Trash, debris, and rubbish, only			Monthly	Total	Monthly	Total	Super X Mowing Service	\$6,000.00	\$72,000.00	No bid.		Nick Benavides *	\$6,014.00	\$72,168.00	\$2,910.00	\$34,920.00	J. R. Landscaping *	\$6,014.00	\$72,168.00	\$4,074.00	\$48,888.00	Olympia Landscape *	\$6,125.00	\$73,500.00	\$2,940.00	\$35,280.00	Hollywood Garden	\$6,900.00	\$82,800.00	\$3,300.00	\$39,600.00
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* Includes prompt payment discount.																																							
FINANCIAL IMPACT: Funding for this service is available in the Environmental Service Department budget. N.P.D.E.S. – Environmental Services Account Number: 249-3840-543-5537																																							
COMMITTEE RECOMMENDATION:		STAFF RECOMMENDATION: It is recommended that this contract be renewed.																																					

BID TABULATION
ZACATE CREEK MAINTENANCE CONTRACT
FY04-069

Vendor	Cost/Cutting Cycle	Yearly Cost	Discount	Total
Alternate 1				
Super X Mowing Service	\$ 6,000.00	\$ 72,000.00		\$ 72,000.00
Nick Benavides	\$ 6,200.00	\$ 74,400.00	3% 7 days	\$ 72,168.00
J.R. Landscaping	\$ 6,200.00	\$ 74,400.00	3% 10 days	\$ 72,168.00
Olympia Landscape and Irrigation	\$ 6,250.00	\$ 75,000.00	2% 10 days	\$ 73,500.00
Hollywood Garden Inc.	\$ 6,900.00	\$ 82,800.00		\$ 82,800.00
Alternate 2				
Nick Benavides	\$ 3,000.00	\$ 36,000.00	3% 7 days	\$ 34,920.00
J.R. Landscaping	\$ 4,200.00	\$ 50,400.00	3% 10 days	\$ 48,888.00
Olympia Landscape and Irrigation	\$ 3,000.00	\$ 36,000.00	2% 10 days	\$ 35,280.00
Hollywood Garden Inc.	\$ 3,300.00	\$ 39,600.00		\$ 39,600.00
Super X Mowing Service				No bid.

COUNCIL COMMUNICATION

DATE: May 3, 2004	SUBJECT: MOTION Motion authorizing the City Manager to continue negotiations with Proviron Inc. as to the rates and charges for gas and gas service to residential and commercial customers authorized by Ordinance 94-O-082 and Ordinance No. 94-O-092, for a period not to exceed 180 days from the date of authorization.	
INITIATED BY: Larry Dovalina, City Manager		STAFF SOURCE: Jaime L. Flores, City Attorney
PREVIOUS COUNCIL ACTION: Ordinance 94-O-082, approving franchise agreement was passed on April 4, 1994. Ordinance No. 94-O-092, approving rates and charges was passed on May 16, 1994.		
BACKGROUND: A non-exclusive franchise was granted to Proviron, Inc. on April 4, 1994 and effective as of June 4, 1994. In a separate ordinance, City Council exercised its authority to fix and order prescribed rates for gas and gas service to residential and commercial customers. At this time, staff recommends entering negotiations with Proviron, Inc. to review current rates and to make recommendations to City Council for possible rate adjustments requested by Proviron, Inc. Negotiations could possibly take up to 180 days to reach an agreement between the parties, therefore the continuation of the term of the franchise agreement will be necessary.		
FINANCIAL IMPACT: N/A		
COMMITTEE RECOMMENDATION:		STAFF RECOMMENDATION: Approval of this motion.

COUNCIL COMMUNICATION

DATE: 5-3-2004	SUBJECT: MOTION Consideration to award a contract to York Services, San Antonio, Texas in the amount of \$ 38,730.00 to make emergency repairs to the Air Conditioner chill water supply and return lines in order to maintain A/C service to the Airport Passenger Terminal. Funding is available in the Airport Maintenance Building & other improvements Acct. No. 433-3687-563.20-10.														
<table style="width: 100%;"><tr><td style="width: 50%;">INITIATED BY: Cynthia Collazo Assistant City Manager</td><td style="width: 50%;">STAFF SOURCE: Jose L. Flores Airport Director</td></tr></table>		INITIATED BY: Cynthia Collazo Assistant City Manager	STAFF SOURCE: Jose L. Flores Airport Director												
INITIATED BY: Cynthia Collazo Assistant City Manager	STAFF SOURCE: Jose L. Flores Airport Director														
PREVIOUS ACTION: None															
BACKGROUND: <p>The 10 inch A/C chill water supply and return lines have sprung a leak and need repair. These underground chill water lines supply and return lines move cold water to and from the Passenger Terminal A/C system and to and from the A/C Central Plant.</p> <p>The scope of work includes replacing the approximate 100 linear feet of the 10 inch PVC chill water supply and approximately 100 linear feet of water return lines with 10 inch pre-insulated black steel pipe, provide and install two 10 inch valves, excavation and back fill.</p> <p>Proposals were solicited from several contractors and the following contractors submitted proposals.</p> <table style="width: 100%;"><tr><td>R.G. Weyel Mechanical Services, L.L.C., Helotes, Texas</td><td style="text-align: right;">\$ 44,500.00</td></tr><tr><td>York Service, San Antonio, Texas</td><td style="text-align: right;">\$ 38,730.00</td></tr><tr><td>Davis Contractors, Cuero, Texas</td><td style="text-align: right;">\$ 49,800.00</td></tr><tr><td>Miller & Miller Mechanical Contracting, Corpus, Christi</td><td style="text-align: right;">\$ 45,745.00</td></tr><tr><td>Sunbelt A/C, Laredo</td><td style="text-align: right;">\$ No Response</td></tr><tr><td>Quality Air, Laredo</td><td style="text-align: right;">\$ No Response</td></tr><tr><td>Aranda Iron Works</td><td style="text-align: right;">\$ No Response</td></tr></table>		R.G. Weyel Mechanical Services, L.L.C., Helotes, Texas	\$ 44,500.00	York Service, San Antonio, Texas	\$ 38,730.00	Davis Contractors, Cuero, Texas	\$ 49,800.00	Miller & Miller Mechanical Contracting, Corpus, Christi	\$ 45,745.00	Sunbelt A/C, Laredo	\$ No Response	Quality Air, Laredo	\$ No Response	Aranda Iron Works	\$ No Response
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FINANCIAL: <p>Funding is available in the Maintenance Building & other improvements Acct. No. 433-3687-563.20-10.</p>															
COMMITTEE RECOMMENDATION: The Airport Advisory Committee on April 27, 2004 recommended approval of this item.	STAFF RECOMMENDATION: <p>That the City Manager be authorized to contract with York Service, San Antonio, Texas to repair the A/C water supply and return lines.</p>														



April 27, 2004

Mr. Roberto Ramirez
Laredo International Airport
5210 Bob Bullock
Laredo, Texas 78041

Mr. Ramirez,

Per your request, YORK Service is pleased to offer services to replace 100 feet of the Chilled Water Pipe at the Laredo International Airport. We will provide the following:

Chilled Water Piping:

- Coordinate with Airport Personnel for proper time of service
- Isolate Chilled Water Supply and Return from Central Plant
- Provide Isolation Valves inside of terminal at designated area
- Excavate dirt 100 feet from terminal
- Remove Existing Supply and Return Chilled Water Piping
- Install 200 feet of 10" Schedule 40 pre-insulated steel pipe
- Pre-Insulated Pipe has 1 ½" nominal void free polyurethane foam insulation
- Pre-Insulated Pipe has seamless white PVC Outer Jacket
- Supply Chilled Water lines from Central Plant and verify operation
- Fill excavated with sand and soil provided by Airport
- Clean up work area

York San Antonio Service will provide this service for **\$38,730.00 not including taxes**. This price is for services performed during normal business hours. This proposal is valid for the next 15 days. This price does not include recovery of existing glycol in system or recharging after repair.

Please contact me at the office 210-496-6631, ext. 607 or on my mobile at 210-669-8634 if you have any questions or would like to proceed with this service.

YORK Service appreciates your business.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Smith", written over a horizontal line.

Peter Smith
Service Sales Representative

COUNCIL COMMUNICATION

DATE: 5-3-04	SUBJECT: MOTION Approving that the Laredo International Airport enter into a Gold Sponsorship contract with the Ms. Texas USA Pageant in the amount of \$50,000.00. Funding is available in the FY 04 Airport Construction Budget under the Small Communities Air Service Development Program.
INITIATED BY: Cynthia Collazo Assistant City Manager	STAFF SOURCE: Jose L. Flores Airport Director
PREVIOUS ACTION: None	
BACKGROUND: <p>The U. S. Department of Transportation who oversees the Small Community Air Service Development Grant Program has determined that the proposed Gold Sponsorship of the Miss Texas USA Pageant is grant eligible.</p> <p>Laredo is extremely proud that we can be the host city for the Miss Texas USA Pageant for the next five years beginning June 2004. This event will showcase the City of Laredo in all of the State's twenty major markets in Texas, New Mexico, Louisiana and Oklahoma. The telecast will be viewed by over 8 million households. I think that this is an excellent opportunity to promote the Laredo International Airport and the major airlines providing service from the airport.</p> <p>The most prestigious state pageant in the nation, the Emmy Award winning Miss Texas USA will be telecast from the Laredo Entertainment Center June 27, 2004. The pageant will paint an indelible visual image of the beauty, attractions and opportunities that Laredo has to offer. Well known TV personality Dan O'Rourke and former Miss Texas USA, Christine Friedel, will co-host the program. MISS USA then goes on to the ultimate of pageants, MISS UNIVERSE.</p> <p>The City is making an impressive financial commitment in order to host the Miss Texas USA Pageant. The benefits to the City and our business community are enormous. The City will receive over \$900,000 of television exposure to glamorize and promote the tourist and business relocation attractions of the area. The week-long event will attract approximately 2,000 friends and families of contestants that will converge on the City, many of them making it their vacation and bringing over \$300,000 of revenue to local hotels, gift shops, restaurants and attractions.</p> <p>The Laredo International Airport in cooperation with American, Azteca and Continental Airlines can be one of two Gold Sponsors during the fast moving, exciting, two-hour extravaganza featuring over 100 of Texas' most beautiful young women. The cost of the Gold Sponsorship is \$50,000.00. Your participation and benefits are outlined in the enclosed attachment.</p> <p>See the attached Value Package for Corporate Sponsor...G O L D S P O N S O R</p>	
FINANCIAL: Funding is available under the Small Communities Air Service Development Program City Promotion account 433-3659-563-5677 with pending transfers within grant funding.	
COMMITTEE RECOMMENDATION: On April 27, 2004, the Airport Advisory Committee recommended approval.	STAFF RECOMMENDATION: That the City Manager execute a Gold Sponsorship contract with the Miss Texas USA Pageant on behalf of the Laredo International Airport.

Value Package for Corporate Sponsor...
GOLD SPONSOR

<ul style="list-style-type: none"> • 2 x :30 second commercials during live telecast. (All 20 Texas TV markets- 7,800,000 homes. See 2002 cost, Mampre Media International 	\$56,720
<ul style="list-style-type: none"> • Sponsor <i>personal introduction</i>, as a gold sponsor, for you and your business during live telecast 	10,000
<ul style="list-style-type: none"> • 2 personal appearances by Miss Texas USA to increase awareness of your company and/or products to include autograph signing sessions (travel expenses provided by sponsor). 	4,500
<ul style="list-style-type: none"> • 10 VIP tickets to Final Show 	750
<ul style="list-style-type: none"> • 10 VIP tickets to Preliminary Show 	500
<ul style="list-style-type: none"> • 2 full page black and white ads in pageant program book 	2,000
<ul style="list-style-type: none"> • 10 tickets to Coronation Ball 	500
<ul style="list-style-type: none"> • 10 invitations to contestant's Welcome Reception 	500
<ul style="list-style-type: none"> • 10 pageant program books 	100
<ul style="list-style-type: none"> • Sponsor representative to judge swimsuit competition 	PR
<ul style="list-style-type: none"> • On-stage, 8 X 10 color, autographed photo with Miss Texas USA 	PR
TOTAL PACKAGE VALUE	\$75,570

* This is the value according to what the Crystal Group can offer a corporate sponsor. The Host City may also add to the value of this package.

STAFF REPORTS

- A. Presentation of the new Flood Insurance Rate Map (FIRM) Flood Boundary and Floodway Map (FBFM), and Flood Insurance Study (FIS) by Federal Emergency Management Agency (FEMA) for Chacon Creek.
- B. Presentation by Mr. Martin Aleman, Budget Director, of Citizens Survey conducted and prepared by National Service Research.
- C. Discussion with possible action to construct necessary bridge widening enhancements on International Bridges 1 and 2 for the purpose of increasing capacity and ensuring the safe and expedient crossing of pedestrian and vehicular traffic. The proposed widening enhancements to Bridge 2 would support Homeland Security efforts as well as complement the City's efforts to promote economic growth, tourism and sustainable development through the next thirty (30) years, as exemplified in the planned improvements to Bridge 1 as part of El Portal project, the creation of a Sentry Lane at Bridge 2, and the planned construction of a Fifth International Bridge.
- D. Status report on City of Laredo park land and city streets as it relates to Ryan, Buenos Aires, and Daiches Elementary Schools.

GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

A. Request by Council Member Alfredo Agredano

1. Discussion with possible action to include the name of the Veteran's Coalition on the plaque of the Veteran's monument. (Co-sponsored by Council Member Jose A. Valdez, Jr.)
2. Status report on the Mario Tijerina Park.

B. Request by Council Member Hector J. Garcia

1. Discussion with possible action regarding landscaping of City buildings: Public Library, Police Department, Municipal Court and Airport.

C. Request by Mayor Pro-Tempore John C. Galo

1. Discussion with possible action regarding parking problem at the corner of Gustavus and Mendiola due to the church overflow.
2. Discussion with possible action identifying the owner of the property known as "el pozo" in the Santa Fe Subdivision.

D. Request by Council Member Eliseo Valdez, Jr.

1. Status report regarding traffic light at the intersection of San Francisco and Lafayette.
2. Presentation by Juan Esparza of River City Soap Box, Inc., of the soap box derby scheduled for July 4th weekend, with possible action.
3. Status report regarding pending projects in District V including drainage and park improvements and street reconstruction projects.

E. Request by Council Member Gene Belmares

1. Discussion with possible action regarding flash flooding on Denmark.

F. Request by Council Member Juan Ramirez

1. Discussion with possible action regarding the capacity of existing sewer plants.
2. Discussion with possible action regarding tire buying program.
3. Presentation by Jose Ortiz regarding City owned public restrooms.
4. Discussion with possible action regarding water park study.

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: MOTION Consideration to award annual supply contract number FY04-076 to the LOW BIDDER , Oil Patch Petroleum, Inc., Laredo, Texas, for the purchase of unleaded and low sulfur and high sulfur diesel fuel, for the transit system's fleet. The unit cost for the transport loads of diesel fuel is \$0.0050 less and the tank wagon loads of unleaded fuel is \$0.040 less than the previous contract period. This contract is based on the estimated usage of 90,000 gallons of unleaded fuel and 300,000 gallons of diesel fuel. Funding is available in the Transit Fund.																
INITIATED BY: Larry Dovalina, City Manager		STAFF SOURCE: Thomas Lucek, General Manager, El Metro Francisco Meza, Purchasing Agent															
PREVIOUS COUNCIL ACTION: None.																	
<p>BACKGROUND: Five bids were received for the Transit System's annual contract for unleaded and diesel fuel. The bid specifications requested bid pricing on tank wagon (5,000 gallons or less) and transport loads (5,000 gallons or more) for both regular unleaded and low sulfur diesel fuel. The successful bidder will be required to deliver to the transit maintenance facility. During the contract period, the unit prices will be determined by adding the bid price to the daily published Oil Price Information Service (OPIS) index made up of the composite posted prices in the Laredo area. The weekly price shall be the OPIS average price for the Laredo area, plus the fixed price differential bid by the successful bidder. The base price bid of the vendor will remain fixed during the contract period. The OPIS index is an average of the delivered, terminal price in cents per gallon, excluding all taxes for the Laredo area. This format allows for price changes based on an independent industry publication.</p> <p>The OPIS differential format is used to determine a low bid situation. Since the differential bid by the vendors is constant during the contract period, the only price that changes is the index for the week. Based on this format, staff is recommending that a contract be awarded to the low bidder, Oil Patch Petroleum, Laredo, Texas</p> <p>Bid Summary</p> <table border="1"><tr><td>Oil Patch Petroleum</td><td>\$ 440,952.00</td></tr><tr><td>Arguindegui Oil Co.</td><td>\$ 445,026.00</td></tr><tr><td>Petroleum Traders</td><td>\$ 446,997.00</td></tr></table>			Oil Patch Petroleum	\$ 440,952.00	Arguindegui Oil Co.	\$ 445,026.00	Petroleum Traders	\$ 446,997.00									
Oil Patch Petroleum	\$ 440,952.00																
Arguindegui Oil Co.	\$ 445,026.00																
Petroleum Traders	\$ 446,997.00																
<p>FINANCIAL IMPACT: Funds are available in the following line item budgets:</p> <table border="1"><tr><td>Account Number</td><td></td><td></td></tr><tr><td>558-5811-582-1312</td><td>Fixed Route</td><td>Unleaded</td></tr><tr><td>558-5812-582-1312</td><td>Para – Transit</td><td>Unleaded</td></tr><tr><td>558-5811-582-1311</td><td>Fixed Route</td><td>Diesel</td></tr><tr><td>558-5812-582-1311</td><td>Para – Transit</td><td>Diesel</td></tr></table>			Account Number			558-5811-582-1312	Fixed Route	Unleaded	558-5812-582-1312	Para – Transit	Unleaded	558-5811-582-1311	Fixed Route	Diesel	558-5812-582-1311	Para – Transit	Diesel
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558-5812-582-1311	Para – Transit	Diesel															
COMMITTEE RECOMMENDATION:		STAFF RECOMMENDATION: It is recommended that this contract be approved.															

Bid Summary

<i>Unleaded – Tank Wagon Loads</i>	FY04 Contract Price	FY03 Contract Price
Oil Patch Petroleum	\$0.0400	\$0.070
Arguindegui Oil Co.	\$0.0850	
Petroleum Traders Corp.	\$0.0906	

<i>Diesel – Transport Loads</i>	FY04 Contract Price	FY03 Contract Price
Oil Patch Petroleum	\$0.00500	\$0.010
Arguindegui Oil Co.	\$0.0200	
Petroleum Traders Corp.	\$0.0409	

Using the base price or differential bid by the successful bidder, and the OPIS index for the periods indicated, an example of the mechanics of the fuel bid is provided. The bid price is added to the OPIS index and the price per gallon cost is calculated. All prices are cents per gallon excluding any taxes.

Day	Unleaded OPIS Tank Wagon Load Ave	Price/gal Bid Price Cost	Price/Gal Total
April 13, 2004	\$1.3058	\$0.040	\$1.3458

CITY OF LAREDO

CITY COUNCIL MEETING

A-2004-S-05

CITY COUNCIL CHAMBERS

1110 HOUSTON STREET

LAREDO, TEXAS 78040

MAY 3, 2004

5:30 P.M.

SUPPLEMENTAL AGENDA

I. PUBLIC HEARINGS


1. **Public hearing and introductory ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by authorizing the issuance of a Conditional Use Permit for a bar on Lot 1, Block 5, Del Mar Village Subdivision, located at 120 W. Village Blvd.; providing for publication and effective date. The Planning and Zoning Commission has recommended denial of the proposed Conditional Use Permit.
2. **Public hearing and introductory ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 4, Block 1, Summerwind Subdivision, Unit 1, located north of Jacaman Road and east of Bartlett Ave., from R-1 (Single Family Residential District) to B-3 (Community Business District); providing for publication and effective date. The Planning and Zoning Commission has recommended denial of the proposed zone change.
3. **Public hearing and introductory ordinance** amending the City of Laredo FY 2003-2004 Bridge System Construction Fund by appropriating \$750,000.00 for the Bridge II expansion project. Funding will be provided by appropriating a draw down of \$370,531.00 from the construction fund opening balance and a transfer in from operating fund in the amount of \$379,469.00.

III. EXECUTIVE SESSION

The City Council hereby reserves the right to go into executive session at any time during this public meeting, if such is requested by the City Attorney or other legal counsel for the City, pursuant to his or her duty under Section 551.071(2) of the Government Code, to consult privately with his or her client on an item on the agenda, or on a matter arising out of such item.

IV. ADJOURNMENT

This notice was posted at the Municipal Government Offices, 1110 Houston Street, Laredo, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Friday, April 30, 2004 at 5:30 p.m.


Gustavo Guevara, Jr.
City Secretary

COUNCIL COMMUNICATION

Date: 05/03/04	SUBJECT: PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE Amending the Zoning Ordinance (Map) of the City of Laredo by authorizing the issuance of a Conditional Use Permit for a bar on Lot 1, Block 5, Del Mar Village Subdivision, located at 120 W. Village Blvd.; providing for publication and effective date. The Planning and Zoning Commission has recommended denial of the proposed Conditional Use Permit.		ZC-06-2004						
Initiated by: Sanlin Properties Ltd.		Staff source: Keith Selman, Planning Director Cynthia Collazo, Asst. City Manager							
Prior action: On 04/19/04, Council postponed this item.									
BACKGROUND Council District: VI – Gene Belmares Proposed use: Commercial. (a bar) The applicant notes that the prospective tenant wishes to operate, within the allotted 1000 square feet, a “piano bar or a classy bar, a pub or businessman’s bar.” The bar will open from approximately 4:00 pm through the evening hours. The applicant further states the bar should require at most 3 employees. (See Exhibit B) Site: The site is zoned B-1 (Limited Commercial District) and is currently occupied by a the Regency Square Shopping Center whose current occupants include three restaurants, a realty company, a nail salon, a beauty salon, a computer store, an accessory’s store, an attorney’s office, as well as, the applicant’s offices. Surrounding land uses: The area north of the site is occupied by Del Mar Blvd., a shopping center, the KGNS studios, Citgo/Circle K, and Mary Help of Christian School. East of the site are located several condominium complexes. The area south of the site is occupied by Village Blvd., the Tesoro Medical Building, the Springfield Medical Plaza, the Banda Commercial Complex and a vacant lot. West of the site lay Springfield Ave., the Del Mar Plaza Shopping Center and Laredo Bar and Grill. Comprehensive Plan: The Future Land Use Map recognizes this area as Retail/Office. Transportation Plan: The Long Range Thoroughfare Plan identifies Springfield Avenue as a Minor Arterial. <table style="width: 100%;"> <tr> <td style="width: 60%;">CUP letters sent to surrounding property owners: 119</td> <td style="width: 20%; text-align: center;">In Favor: 1</td> <td style="width: 20%; text-align: center;">Opposed: 6</td> </tr> <tr> <td>Zone change letters sent to surrounding property owners: 119</td> <td style="text-align: center;">In Favor: 3</td> <td style="text-align: center;">Opposed: 7</td> </tr> </table>				CUP letters sent to surrounding property owners: 119	In Favor: 1	Opposed: 6	Zone change letters sent to surrounding property owners: 119	In Favor: 3	Opposed: 7
CUP letters sent to surrounding property owners: 119	In Favor: 1	Opposed: 6							
Zone change letters sent to surrounding property owners: 119	In Favor: 3	Opposed: 7							
STAFF COMMENTS Staff does not support the issuance of the proposed Conditional Use permit. By definition a bar requires a B-4 designation and is an “establishment whose primary business is the serving of alcoholic beverages for public consumption on the premises, whether or not entertainment, dancing, or limited food items are also provided. This does not include bona fide restaurants (serving alcohol)...” which require a B-1 zone. The operation of a bar at this location would be inconsistent with the standards for conditional use permit issuance as set forth in Laredo Land Development Code section 24.94.6.C, which requires that a conditional use shall “not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed as allowable in the underlying zoning districts.” The site directly abuts a residential district to the east, which may not be adequately buffered from the proposed use’s negative impacts, though the use technically meets the minimum required separation distances. <div style="text-align: right;">Comments continued....</div>									
P&Z COMMISSION RECOMMENDATION: The P & Z Commission, in a 9 to 0 vote, recommended denial of the Conditional Use Permit.		STAFF RECOMMENDATION: Staff <u>does not support</u> the proposed Conditional Use Permit.							

COUNCIL COMMUNICATION

STAFF COMMENTS CONTINUED:

Though not in support of the proposed Conditional Use Permit, Staff recommends the following conditions:

1. Signage for the bar limited to that which is allowed in a B-1 district.
2. The Conditional Use Permit shall be issued to Sanlin Properties Ltd. and is nontransferable.
3. All relevant City of Laredo development requirements, including parking, shall apply to the entire conditional use permit site.
4. Bar activities shall be limited to the 1000 square feet of the site identified as suite #103 on attached Exhibit A.
5. Exhibit "A", is made a part hereof for all purposes

CITY OF LAREDO ORDINANCE NO. 2004-O-

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR A BAR ON LOT 1, BLOCK 5, DEL MAR VILLAGE SUBDIVISION, LOCATED AT 120 W. VILLAGE BLVD.; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, a request has been received to authorize the issuance of a Conditional Use Permit for a bar on Lot 1, Block 5, Del Mar Village Subdivision, located at 120 W. Village Blvd.; and,

WHEREAS, the required written notices were sent to surrounding property owners at least ten (10) days before the public hearing held before the Planning and Zoning Commission on March 18, 2004; and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **denial** of the Conditional Use Permit; and,

WHEREAS, notice of the zone change request was advertised in the newspaper at least fifteen (15) days prior to the public hearing held before the City of Laredo City Council on this matter; and,

WHEREAS, the City Council has held a public hearing on May 3, 2004, on the request and finds the Conditional Use Permit amendment appropriate and consistent with the General Plan of the City of Laredo.

WHEREAS, all conditions imposed by the Conditional Use Permit, and all pertinent requirements the Laredo Land Development Code shall be met before the activity sanctioned by the Conditional Use Permit may commence.

WHEREAS, the City Council does not consider the impact, if any, of private covenants and deed restrictions on the subject property with the adoption of this ordinance; and,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The Zoning Map of the City of Laredo be and is hereby amended by authorizing the issuance of a Conditional Use Permit for a bar on Lot 1, Block 5, Del Mar Village Subdivision, located at 120 W. Village Blvd.

Section 2: The Conditional Use Permit is further restricted to the following provision herewith adopted by the City Council:

1. Signage for the bar limited to that which is allowed in a B-1 district.
2. The Conditional Use Permit shall be issued to Sanlin Properties Ltd. and is nontransferable.
3. All relevant City of Laredo development requirements, including parking, shall apply to the entire conditional use permit site.
4. Bar activities shall be limited to the 1000 square feet of the site identified as suite #103 on attached Exhibit A.
5. Exhibit "A", is made a part hereof for all purposes

Section 3: This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

Section 4: This ordinance shall become effective as and from the date of publication specified in Section 3.


PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE
_____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

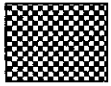
ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME FLORES
CITY ATTORNEY



BY: ANTHONY C. MCGETTRICK
ASSISTANT CITY ATTORNEY



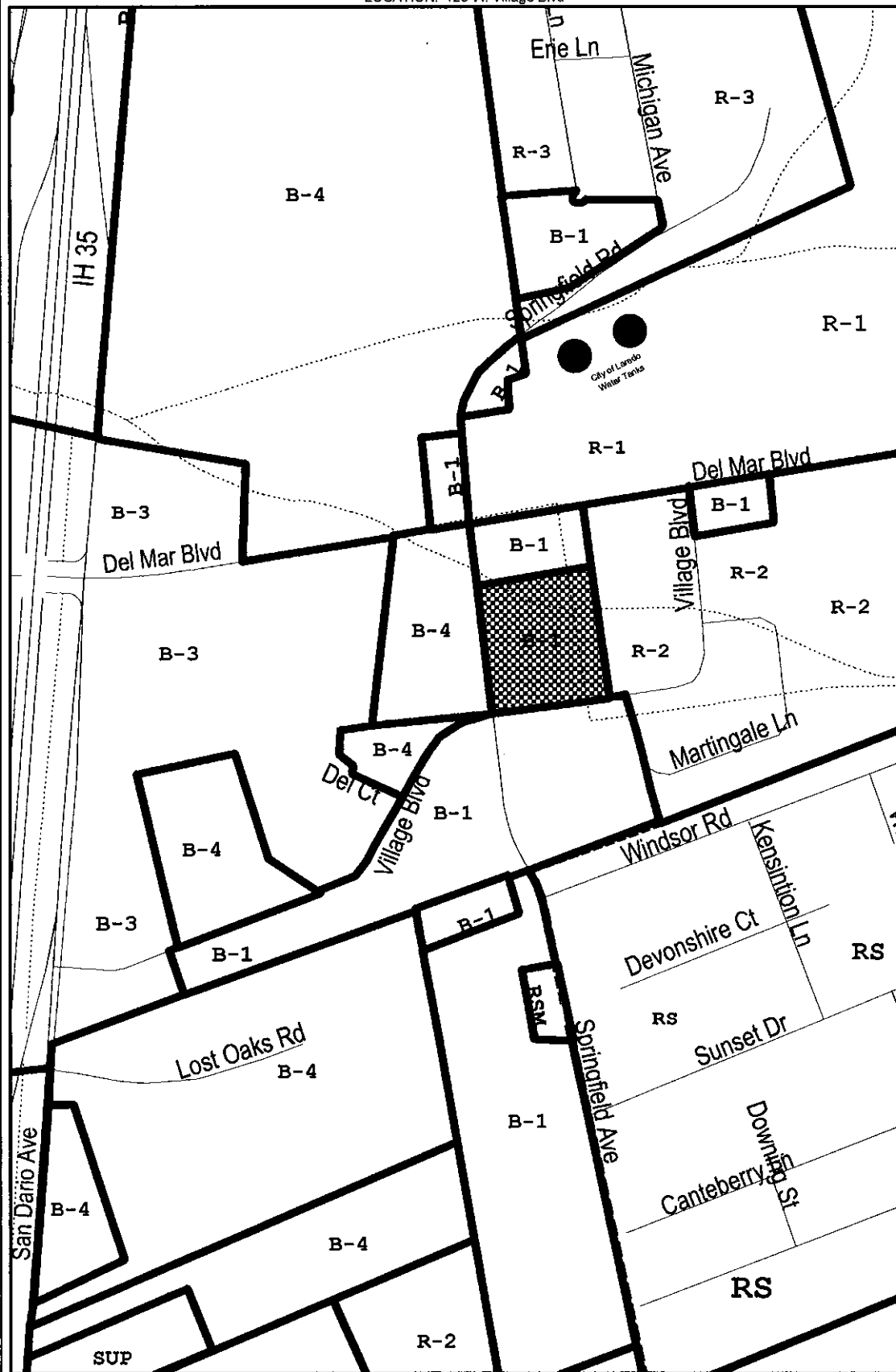
Rezone from B-1 (Limited Business District)
To B-4 (Highway Commercial District)

City of Laredo
Planning Department
Feet

LOCATION: 120 W. Village Blvd

ZC - 06 - 2004

500



City of Laredo
Zoning Map



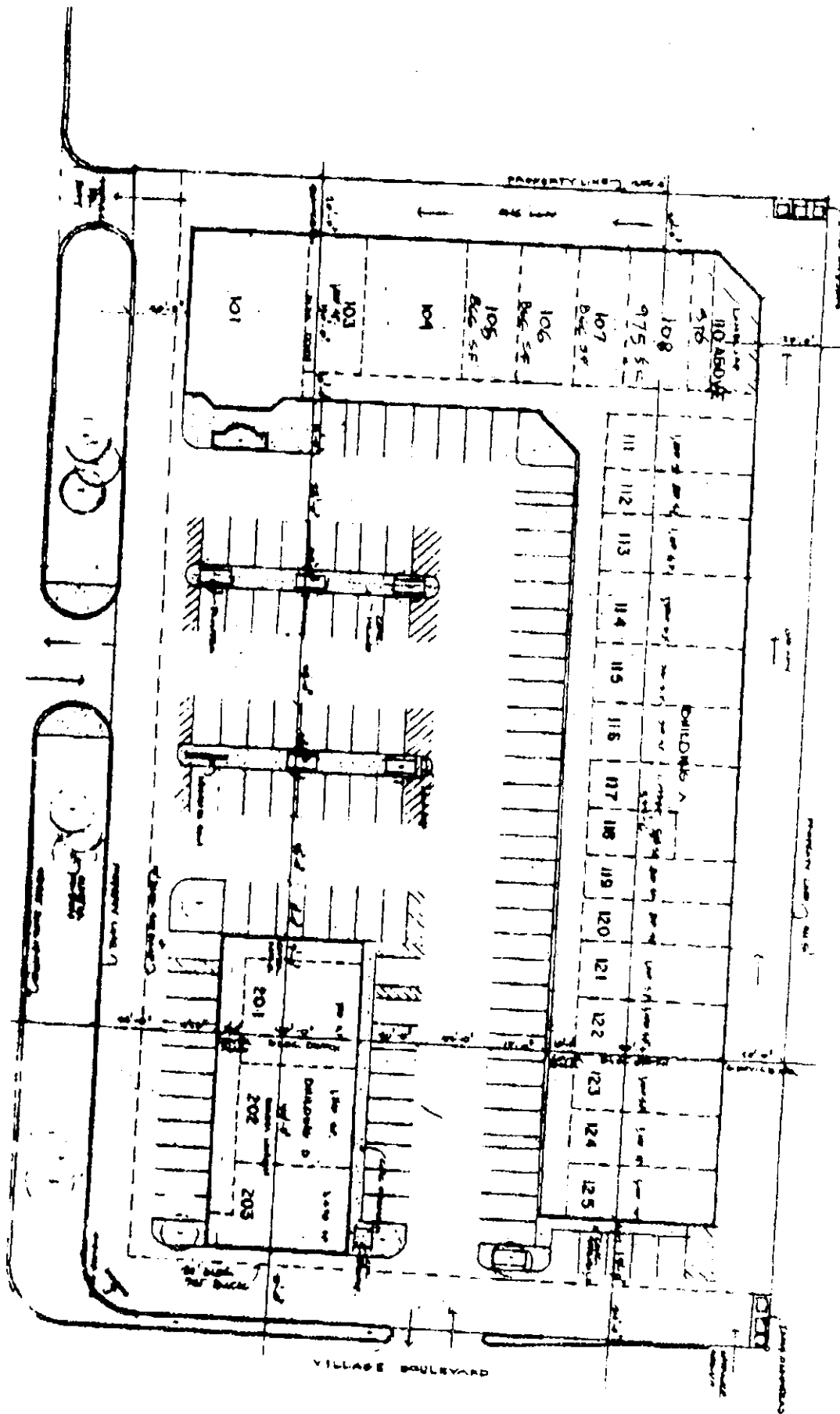


EXHIBIT
A



 SITE PLAN
 120 VILLAGE BLVD

EXHIBIT A SPRINGFIELD RD.

February 12, 2004

TO: PLANNING AND ZONING DEPT.
FROM: LINDA GUTIERREZ
SANLIN PROPERTIES
RE: AMENDMENT TO PETITION FOR RE-ZONING
(REQUEST FOR CONDITIONAL USE PERMIT)

This letter serves to amend my original petition dated 1-15-04, and request a conditional use permit instead for 120 W. Village, site for Regency Square shopping strip. The following is the required narrative to complete the application for a conditional use permit.

NARRATIVE FOR PROPOSED USE

My intended use of this site is as follows:

I plan to lease one of the units left at Regency Square to a tenant who desires to do a "piano bar" or a classy bar, or pub or businessman's bar. I currently lease to three restaurants in this shopping strip, a realty company, a nail salon, a beauty salon, a computer store, an accessory's store, a bank, a bridal shop, a mortgage company, an investment company, and an attorney's office. I have my own corporate office in this location. The two lease spaces which are vacant right now and that I am currently completing the finish-out for are the intended lease units which I am seeking the conditional use permit for. I hope to find a tenant who is willing to run a small upscale bar.

The hours of operation for this bar will be afternoon and night hours (post 4:00 pm) with perhaps a 3:00 pm opening for maintenance and preparation activities by employees. The small size of the bar (1000sf) will probably call for few employees, perhaps 3 at most. This bar will complement the other tenants at the shopping strip well because of the later hours of operation. Parking will not be an issue either since most of the establishments at this shopping strip are closed by 5 pm and the only ones which remain open are the restaurants.

I would like to add that across the street from Regency Square is the Laredo Bar and Grill which is closer to the residential area, and closer to the medical offices in this area and closer to all the other commercial office buildings located in the vicinity. I mention this to point out that we have never had a problem with this particular bar located across the street from Dr. Santiago Gutierrez' medical office (which is also our property) and other medical offices and commercial businesses close to The Laredo Bar and Grill which we also own. Therefore, we do not expect to have a problem with an a small bar and one which will be even farther away from these respectable businesses .


over

EXHIBIT B

In addition, the Regency Square which I am requesting a special use permit for is closer to Del Mar Blvd, closer to the corner where Circle K is at, and directly across the street from the Del Mar Plaza (my other property which is a B4).

In short, I request a conditional use permit for the above reasons. Thanking you in advance for your favorable decision, I remain

Respectfully,



Linda Gutierrez
Owner and General Manager
SanLin Properties, LTD
Linor Management, LLC
(956) 725-0572
(956) 206-3880 cell



10 8:41 PM
ZC-06-04

COUNCIL COMMUNICATION

Date: 05/03/04	SUBJECT: PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 4, Block 1, Summerwind Subdivision, Unit 1, located north of Jacaman Road and east of Bartlett Ave., from R-1 (Single Family Residential District) to B-3 (Community Business District); providing for publication and effective date. The Planning and Zoning Commission has recommended denial of the proposed zone change. ZC-11b-2004								
Initiated by: Norgua Ltd.		Staff source: Keith Selman, Planning Director Cynthia Collazo, Asst. City Manager							
Prior action: On 04/19/04, Council postponed the item for two weeks.									
BACKGROUND <p>Council District: V – Eliseo Valdez, Jr.</p> <p>Proposed use: Commercial (no specific use given)</p> <p>Site: The site is vacant.</p> <p>Surrounding land uses: Summerwind Subdivision, Unit 1 lays to the northeast; Bartlett Ave., a large condominium complex, the North Village Apartments, Ambulance Service of Laredo, a commercial building under construction and a large vacant area lay to the northwest; J.A.M. Construction, the Body Factory, a large vacant area and Jacaman Road lay to the south of the site.</p> <p>Comprehensive Plan: The Future Land Use Map recognizes this area as Low Density Residential.</p> <p>Transportation Plan: The Long Range Thoroughfare Plan identifies both Jacaman Road and Bartlett Ave. as Major Collectors.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Petition:</td> <td style="width: 25%;">In Favor: 0</td> <td style="width: 25%;">Opposed: 49</td> </tr> <tr> <td>Letters sent to surrounding property owners: 22</td> <td>In Favor: 0</td> <td>Opposed: 15</td> </tr> </table>				Petition:	In Favor: 0	Opposed: 49	Letters sent to surrounding property owners: 22	In Favor: 0	Opposed: 15
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Letters sent to surrounding property owners: 22	In Favor: 0	Opposed: 15							
STAFF COMMENTS <p>The proposed zone change is inappropriate at this location. The change is inconsistent with the Comprehensive Plan's designation for this area and the primarily residential land use character of the area northwest of Bartlett and Jacaman. The zoning boundaries are clear and to date show no intrusion of incongruous zoning northwest of said intersection.</p> <p>Furthermore, the Summerwind Subdivision, Unit I, recorded plat stipulates that "Lots 1 thru 4, Block 1, and Lots 36 thru 42, Block 4, shall be restricted from having access through Jacaman Rd." The plat further states that, "Lots 4 thru 14, Block 1, shall be restricted from having access through Bartlett Ave." The aforementioned results in conditions under which all traffic associated with any future allowed commercial use would necessarily have to travel through the residential subdivision in order to access the site. The proposed change may therefore create circumstances wherein excess noise and traffic could negatively impact the surrounding residential area.</p>									
P&Z COMMISSION RECOMMENDATION: The P & Z Commission, in a 9 to 0 vote, recommended denial of the zone change.		STAFF RECOMMENDATION: Staff <u>does not support</u> the proposed zone change.							

COUNCIL COMMUNICATION

IMPACT ANALYSIS

B-3 (Community Business District): The purpose of the B-3 District is to provide for those businesses and services serving a trade area larger than a neighborhood, but smaller than the entire city and located primarily along minor or principal arterial streets, as classified in the Transportation Plan of the City of Laredo. It is intended for this zoning classification to exist primarily abutting minor or principal arterial streets while preserving established residential neighborhoods along such streets.

Is this change contrary to the established land use pattern?

Yes, this subdivision is completely residential.

Would this change create an isolated zoning district unrelated to surrounding districts?

Yes, the adjoining zoning districts are R-1 and B-1.

Will change adversely influence living conditions in the neighborhood?

Yes, the commercial uses allowed by the proposed zone could negatively impact the surrounding neighborhood.

Are there substantial reasons why the property can not be used in accord with existing zoning?

No, the present zoning allows for sufficient and compatible uses.

CITY OF LAREDO ORDINANCE NO. 2004-O-

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY REZONING LOT 4, BLOCK 1, SUMMERWIND SUBDIVISION, UNIT 1, LOCATED NORTH OF JACAMAN ROAD AND EAST OF BARTLETT AVE., FROM R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO B-3 (COMMUNITY BUSINESS DISTRICT); PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, a zone change has been requested by the owners of Lot 4, Block 1, Summerwind Subdivision, Unit 1, located north of Jacaman Road and east of Bartlett Ave., from R-1 (Single Family Residential District) to B-3 (Community Business District); and,

WHEREAS, the required written notices were sent to surrounding property owners at least ten (10) days before the public hearing held before the Planning and Zoning Commission on March 18, 2004, and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **denial** of the proposed zone change; and,

WHEREAS, notice of the zone change request was advertised in the newspaper at least fifteen (15) days prior to the public hearing held before the City of Laredo City Council on this matter; and,

WHEREAS, the City Council has held a public hearing on May 3, 2004, on the request and finds the zone change appropriate and consistent with the General Plan of the City of Laredo; and,

WHEREAS, the City Council does not consider the impact, if any, of private covenants and deed restrictions on the subject property with the adoption of this ordinance; and,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The Zoning Map of the City of Laredo be and is hereby amended by rezoning Lot 4, Block 1, Summerwind Subdivision, Unit 1, located north of Jacaman Road and east of Bartlett Ave., from R-1 (Single Family Residential District) to B-3 (Community Business District).

Section 2: This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

Section 3: This ordinance shall become effective as and from the date of publication specified in Section 2.


PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2004.

ELIZABETH G. FLORES
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME FLORES
CITY ATTORNEY



BY: ANTHONY C. MCGETTRICK
ASSISTANT CITY ATTORNEY

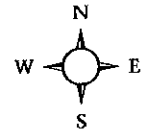
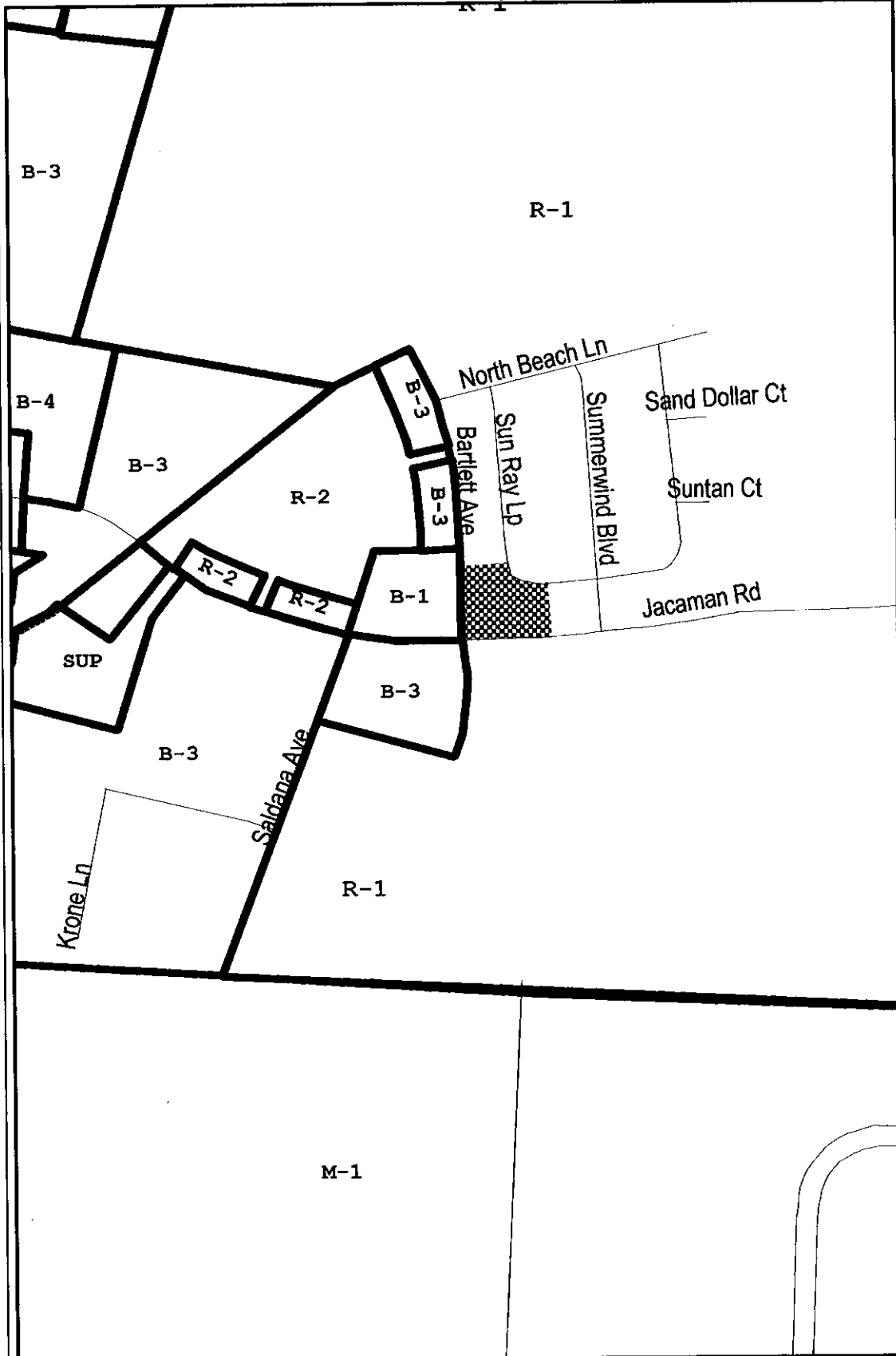
**Rezone from R-1 (Single Family Residential District)
To B-3 (Community Business District)**

City of Laredo
Planning Department
Feet

LOCATION: Sun Ray Loop

ZC - 11 - 2004

500



**City of Laredo
Zoning Map**



BARTLETT AVE.

N 00°38'33" E 191.88'

N 85°47'18" E
130.73'

20.79'
S 04°12'42" E

CL=127.27'

20.92'
EAST

20' BLDG. SETBACK

129.18'
NORTH

S 89°21'27" W 180.68'

35.36'
N 44°21'27" W JACAMAN RD. CL=34.36'



SCALE: 1"=50'

DATE: 03-05-2004

SUMMERWIND SUBDIVISION UNIT I

LOT 4, BLOCK 1

PORRAS ENGINEERING CO.

P.O. BOX 1670
78044

ENGINEERS ~ SURVEYORS
LAREDO, TEXAS

OFFICE 724-3097
HOME 724-7597



ZC-11-2004

COUNCIL COMMUNICATION

DATE: 05/03/04	SUBJECT: PUBLIC HEARING AND INTRODUCTORY ORDINANCE Amending the City of Laredo fiscal year 2004 Bridge System Construction Fund by appropriating \$750,000.00 for the Bridge II Expansion project. Funding will be provided by appropriating a drawdown of \$370,531 from the Construction fund opening balance and a transfer in from operating fund in the amount of \$379,469.																																		
INITIATED BY: Larry Dovalina, City Manager		STAFF SOURCE: Rafael Garcia Jr., Bridge System Director																																	
PREVIOUS COUNCIL ACTION: None																																			
<p>BACKGROUND: The expansion and enhancements on Bridge II will increase capacity and ensure the safe and expedient crossing of vehicular traffic. The proposed widening enhancements to Bridge II will support Homeland Security efforts as well as complement the City's efforts to promote economic growth, tourism and sustainable development through the next thirty (30) years. This expansion will also compliment Custom initiation of the northbound Sentry Lane.</p> <p>Estimated expense for this project is \$750,000.00. Funding is available in the following bridge accounts:</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 60%;">Fourth Bridge Tax Exempt Bond Issue Balance</td> <td style="text-align: right;">\$215,740.00</td> </tr> <tr> <td>Bridge Construction Fund Savings</td> <td style="text-align: right;">\$370,531.00</td> </tr> <tr> <td>General Fund Administrative Charge Savings</td> <td style="text-align: right;"><u>\$163,729.00</u></td> </tr> <tr> <td>Bridge II Expansion Estimated Cost</td> <td style="text-align: right;">\$750,000.00</td> </tr> </table>				Fourth Bridge Tax Exempt Bond Issue Balance	\$215,740.00	Bridge Construction Fund Savings	\$370,531.00	General Fund Administrative Charge Savings	<u>\$163,729.00</u>	Bridge II Expansion Estimated Cost	\$750,000.00																								
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COMMITTEE RECOMMENDATION: N/A		STAFF RECOMMENDATION: To conduct the Public Hearing and to Introduce the Ordinance.																																	

ORDINANCE 2004-O-____

AMENDING THE CITY OF LAREDO FISCAL YEAR 2004 BRIDGE SYSTEM CONSTRUCTION FUND BY APPROPRIATING \$750,000 FOR THE BRIDGE II EXPANSION PROJECT. FUNDING WILL BE PROVIDED BY APPROPRIATING A DRAW DOWN OF \$370,531 FROM THE CONSTRUCTION FUND OPENING BALANCE AND A TRANSFER IN FROM OPERATING FUND IN THE AMOUNT OF \$379,469.

WHEREAS, on September 22, 2003, City Council adopted the fiscal year 2004 annual budget: and

WHEREAS, on May 3, 2004, City Council held a public hearing and introduced this ordinance; and

WHEREAS, in order to provide the necessary funding for the Bridge II Expansion project the following budget amendment is necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: Bridge Construction Fund is hereby amended as follows:

	Annual Budget FY 2004	Proposed Amendment	Amended Budget FY 2004
Bridge System – Construction Fund			
Opening Balance	370,531	(370,531)	0
Transfer in - Operations	473,509	379,469	852,978
Bridge II – Expansion Project	0	750,000	750,000

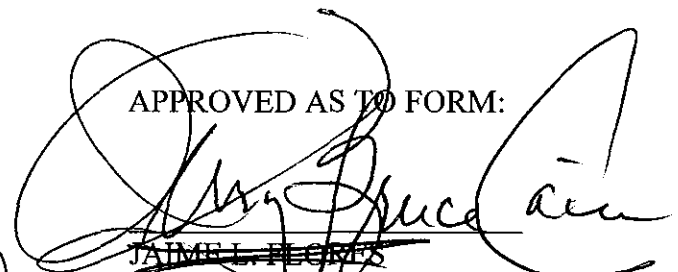
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
THE _____ DAY OF _____, 2004

ELIZABETH G. FLORES,
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.,
CITY SECRETARY

APPROVED AS TO FORM:


JAMES L. FLORES
ASS'Y CITY ATTORNEY